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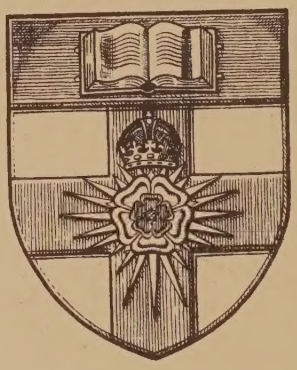

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REPORTS

FROM

COMMITTEES:

TWELVE VOLUMES.

—*(4.)*—

CONSTABULARY (IRELAND);
CROWN FORESTS.

Session

31 *January* —— 12 *August* 1854.

VOL. X.

1854.

REPORTS FROM COMMITTEES:

1854.

TWELVE VOLUMES:—CONTENTS OF THE

FOURTH VOLUME.

N. B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Report; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

CONSTABULARY (IRELAND):

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Brought from the Lords, 16 *February* 1854.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS,

APPOINTED TO CONSIDER

The Consequences of Extending the Functions of the Constabulary in Ireland to the Suppression or Prevention of Illicit Distillation ;

AND TO REPORT THEREON TO THE HOUSE;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND AN

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
17 *February* 1854.

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REPORT.

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to consider the Consequences of extending the FUNCTIONS of the CONSTABULARY in IRELAND to the Suppression or Prevention of ILLICIT DISTILLATION; and to report to The House:—

ORDERED TO REPORT,

THAT the Committee have met, and considered the subject-matter referred to them, and have examined several Witnesses in relation thereto.

That, in performing the duties entrusted to them, the Committee have selected such witnesses only as were able, from official experience, to describe with knowledge and accuracy the several branches of the public service which it was necessary to take into consideration. By adhering to this course, the Committee are of opinion that they have best discharged their functions, and furnished The House with means of forming a matured and correct opinion. They have called before them Mr. Wood, who for more than 20 years has filled the highest offices of the Revenue Service, as Chairman of Stamps, of Taxes, Excise, and who is now at the head of the Board of Inland Revenue; Major-General Sir D. Macgregor, Inspector-General of Constabulary; Colonel Brereton, the late, and Colonel Machlachlan, the present Inspector-General of Revenue Police; Mr. Barry and Mr. Dancer of the same force; Mr. Coulson, Mr. Cruice, Mr. Knox and Mr. Tracey, Resident or Stipendiary Magistrates; Mr. Hobart, County Inspector; Mr. Golding Bird, Excise Collector, and Mr. Mullarchy of the Constabulary. The House will also find in the Appendix accounts and documents furnished by the Treasury and the Board of Excise illustrative of the various alterations of the Spirit Duties in Ireland, and the consequences of the changes of the law and of the rate of duty as affecting both the Revenue and the state of crime.

The Committee have taken evidence on the past and present state of the Revenue Police, both anterior to its reformed organization under Colonel Brereton, and since that beneficial change. To the evidence of Mr. Wood, Colonel Brereton and Colonel Maclachlan, they more especially refer. The actual condition of this force, which consists of 151 officers and 947 men, and is maintained at a cost of 43,000*l.* to 45,000*l.* per annum, is fully shown in evidence referred to in the margin.

Brereton, 19, 20. 23, 24. 28. 89. 121. 7th Report, Excise Revenue, p. 52, 53. 69. Barry, 191. Dancer, 608. 620. Wood, 2101. Brereton, 40, 59. 121. Maclachlan, 1858. Macgregor, 1539. Coulson, 770, 771, 772. 774. Cruice, 922, 927, 928. Knox, 1173. 1184. Tracey, 1301, 1302.

The discipline and organization of the constabulary is fully explained in the evidence of Major-General Sir D. Macgregor, in the evidence of the Resident Magistrates, and in the detailed accounts laid before the Committee. This valuable corps amounted in 1852 to 12,452 men and officers, and 352 horses. It is maintained at the public expense, except so far as regards the cost of one-half the charge of any extra force which may be rendered necessary by the disturbed state of any county or district. The total annual cost of the Constabulary in 1851 was 494,175*l.*, of which 34,703*l.* was locally raised in certain disturbed districts; the balance of 459,392*l.* being borne on the Consolidated Fund.

A branch of the Coast Guard is also maintained in Ireland under the Board of Customs, consisting of 1,466 officers and men, at an annual charge of 120,662*l.*

The importance of guarding the Irish Revenue levied on malt and spirits against illicit practices, has been at all times felt by the Legislature and by successive Governments, and laws the most varied and contradictory have been resorted to for this purpose; different systems of charging the duty have been adopted, and modes of repressing fraud have been introduced. The duties have been charged by license on the still, by survey, and by a combination of both systems. They have been enforced by the oppressive still-fine system, and by criminal laws making illicit distillation a felony. The duties have varied from a maximum of 5*s.* 11*d.* to a minimum of 2*s.* 4*d.* They have been collected by the ordinary officers of Excise, aided by writs of assistance. The distillery laws have also been enforced by an irregular body of Excise Police, strengthened by a military force. Since 1836 there has been established a special corps, under strict discipline, acting under the immediate authority of the Board of Excise and the Treasury. This force administers the special laws of the Excise, which differ in many most important respects from the ordinary laws of the land, in respect to the authority given, and the protection afforded to the officers engaged in the service.

Since the year 1834–5, with the exception of a short interval in 1842–3, the Spirit Revenue appears to have been in a satisfactory state, and Mr. Wood delivered in the following Table (2086), showing the progressive amount of spirits brought to charge under the invariable duty of 2*s.* 8*d.*:—

YEARS.	Gallons charged with Duty for Home Consumption.	YEARS.	Gallons charged with Duty for Home Consumption.
1843	5,546,483	1848	7,072,933
1844	6,451,817	1849	6,973,333
1845	7,605,196	1850	7,408,086
1846	7,952,076	1851	7,550,518
1847	6,037,383	1852	8,208,256

"This Return," observes Mr. Wood, "is very satisfactory indeed." The diminution of population between 1841 and 1851, of above 1,400,000, not being generally taken into account, the public are not, at first sight, aware of the very large proportion which the increased consumption of spirits bears to the population. Mr. Wood adds, "that the opportunities for illicit distillation and fraud have very much diminished" (2088).

Considering that the Irish spirit and malt duties constitute more than three-fourths of the Excise revenue, and exceed one-fourth of the whole revenue of Ireland, and, considering likewise that the inducements to illicit distillation increase by reason of the imposition of additional duties, and a fall in the price of grain, it is expedient that in present circumstances, recourse should be had to such precautionary measures as reason and experience recommend. This is required no less for the protection of the revenue, than to secure the peace, the morals, and the social order of Ireland. But, in proportion to the importance of the question, care should be taken to act with the utmost caution and with due regard to all the great interests which any change may affect.

The Committee judge it to be more prudent for the present to state the various propositions suggested to them, rather than to express their own views. As these recommendations would require the interposition of the Legislature, should it be thought expedient to repeal the prohibitions contained in three distinct Acts of Parliament precluding the interference of the constabulary in revenue duties, time will necessarily be afforded, as well to the responsible Government,

Government, as to the Revenue departments, carefully to reconsider the whole question, more especially in reference to the evidence now reported.

Three propositions have been laid before the Committee :—

1. The amalgamation of the Revenue Police with the Constabulary in performing the duties of suppressing illicit distillation.

2. The suppression of the existing Revenue Police, and the substitution of the Constabulary for the discharge of these Revenue duties.

[*Vide* Evidence—Brereton, 121. 130. 171. 183; Bird, 544; Dancer, 641. 650, 651. 673. 675; Coulson, 798, 799, 800, 801, 802. 825. 884. 893; Cruice, 934. 939. 947. 951. 954. 998; Hobart, 1044. 1056. 1107–1115. 1128; Knox, 1213; Tracey, 1345. 1361. 1377. 1388. 1424; Macgregor, 1565. 1568, 1569. 1571. 1575, 1576. 1598. 1613. 1678. 1681; Mullarchy, 1723. 1731. 1738. 1716. 1802. 1818. 1838; Maclachlan, 1991. 1996. 1999. 2002, 2003; Macgregor, 2067; Wood, 2213, 2214. 2218, 2219. 2221. 2233. 2237, 2238. 2283.]

3. The maintenance of the Constabulary and of the Revenue Police as distinct corps; but the extension to the Constabulary of certain specified heads of Revenue duty. These are as follows:—

1st. The escort of prisoners transmitted under the committals of magistrates to the several county and district gaols.

[*Vide* Evidence—Brereton, 87. 108; Macgregor, 1615, 1616; Barry, 373; Bird, 516, 517; Dancer, 638, 639, 640; Coulson, 789. 794; Cruice, 1015; Hobart, 1045. 1119; Knox, 1231; Mullarchy, 1794; Maclachlan, 1941. 2008; Wood, 2261. 2263.]

2d. The more effectual employment of the Constabulary in obtaining, and furnishing to the Revenue Police, information of all illegal practices in the manufacture of malt and of spirits.

[*Vide* Evidence—Brereton, 77, 78. 167. 168; Barry, 321; Dancer, 648, 649; Coulson, 808. 818; Cruice, 980. 983; Macgregor, 1619. 1612. 1622; Mullarchy, 1717. 1721; Maclachlan, 1948. 1952. 2010; Wood, 2252.]

3d. The employment of the Constabulary in stopping and seizing illicit spirit in transit, and in examining and endorsing permits produced or accompanying such spirits.

[*Vide* Evidence—Barry 309; Bird, 482. 502; Dancer, 634; Cruice, 957; Hobart, 1056. 1155; Tracey, 1409, 1410, 1411; Maclachlan, 1978. 1980, 1981. 2034.]

4th. The employment of the Constabulary in searching such mills and kilns as are situated within the lines of ordinary constabulary patrol.

[*Vide* Evidence—Dancer, 626; Coulson, 848; Maclachlan, 1980, 1981. 2005; Wood, 2286. 2297; Brereton, 171, 172; Barry, 389.]

A fourth proposition will be found in the evidence of Mr. Wood, Colonel Brereton and Colonel Maclachlan, namely, the augmentation of the present Revenue Police to the full strength of its authorized establishment, with a view to meet any renewed or increased attempts to carry on illicit distillation. Wood, 2282. Maclachlan, 2058.

Such are the propositions which have been laid before the Committee: the evidence and documents in the Appendix furnish ample means to decide on the relative advantages of these recommendations.

And the Committee have directed the MINUTES of EVIDENCE taken before them, together with an APPENDIX, and an INDEX of EVIDENCE, to be laid before your Lordships.

20 August 1853.

NAMES OF THE LORDS PRESENT AT EACH SITTING OF THE COMMITTEE.

Die Veneris, 15° *Julii* 1853.

Earl of Wicklow.
Viscount Hutchinson.
Viscount Canning.
Lord Ponsonby.
Lord Stanley of Alderley.

Die Lunæ, 18° *Julii* 1853.

The Lord President.
Viscount Canning.
Lord Ponsonby.

Die Mercurii, 20° *Julii* 1853.

Earl of Wicklow.
Viscount Canning.
Lord Beaumont.
Lord Ponsonby.
Lord Brodrick.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

Die Veneris, 22° *Julii* 1853.

Earl of Glengall.
Earl of Stradrroke.
Viscount Canning.
Lord De Tabley.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

Die Lunæ, 25° *Julii* 1853.

Earl Fortescue.
Earl of Wicklow.
Earl of Stradbroke.
Viscount Hutchinson.
Viscount Canning.
Lord De Tabley.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

Die Mercurii, 27° *Julii* 1853.

Earl of Wicklow.
Viscount Canning.
Lord De Tabley.
Lord Monteagle of Brandon.

Die Veneris, 29° *Julii* 1853.

Earl of Wicklow.
Viscount Canning.
Lord De Tabley.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

Die Lunæ, 1° *Augusti* 1853.

Earl of Wicklow.
Earl of Glengall.
Viscount Canning.
Lord De Tabley.
Lord Stanley of Alderley.
Lord Monteagle of Brandon.

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Die Veneris, 15° *Julii* 1853.

LORDS PRESENT:

Earl of Wicklow.	Lord Ponsonby.
Viscount Hutchinson.	Lord Stanley of Alderley.
Viscount Canning.	

THE LORD MONTEAGLE of Brandon in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

John Wood, Esq.

15th July 1853

JOHN WOOD, Esquire, is called in; and examined as follows:

1. *Chairman.*] YOU are Chairman of the Board of Inland Revenue?
I am.

2. Have you prepared any accounts or other documents which are likely to throw light upon the subject which is referred to this Committee?
I have so.

3. Have you looked over the Parliamentary Accounts which are before the House of Commons and the House of Lords on this subject?
Yes.

4. They are frequently confused, from the irregular manner in which they are called for, and from the difference of dates. In the documents which you have prepared, have you endeavoured to remedy that, and give them in consecutive Returns that speak for themselves?
I have so.

5. Have you also obtained, both from your department and from the Treasury, correspondence illustrative of the former state of the Revenue Police before its re-organization, and the steps taken with a view to its establishment?
I have; I have made extracts from very voluminous papers, and everything that I thought could be material to this Committee.

6. What map is that you hold in your hand?
This is a map of Ireland, in which are painted on red and blue the stations of the Revenue Police, and also the stations of our Collectors of Inland Revenue. The blue marks represent the stations of our Collectors; the larger red marks the head quarters of the several divisions of the Revenue Police; the small red marks, the quarters of the several parties of the Revenue Police, not head quarters, with the red lines of communication between the outlying parties and head quarters; and the capital letters attached to the head quarters denote the letters by which each division is distinguished. This map is calculated, at one view, to give the Committee an idea of the parts of the country in which the Revenue Police is located, and, of course, of the parts where it is apprehended there is the greatest danger of illicit distillation.

7. Viscount *Canning.*] What is the precise meaning of the red line?
We will take Maryborough, for instance, as head quarters; here there is a party of Revenue Police, under a Lieutenant or a Sub-Inspector. Maryborough, Carlow and Glankeen are occupied by three parties of Revenue Police; the officer commanding the three parties is at Maryborough. The parties at Carlow and Glankeen are under officers of an inferior grade, and are in direct communication with the officer at Maryborough. Take again the station of Granard: that is the head quarters of Division B; the outlying parties are at other stations.

John Wood, Esq.
15th July 1853.

8. *Chairman.*] Taking this as giving the Committee a general view, what is the apportionment of the force between the Southern Districts and the Northern?

If a line be drawn between Dublin and Limerick, we have only, in fact, two parties south of that line; Maryborough is just to the north of it; those parties are situated in the country in which smuggling is supposed most to exist; in Carlow more particularly there is a great deal of illicit malting, but illicit distillation can scarcely be said to exist south of the Shannon, or south of the Liffey; it prevails chiefly in the parts of Derry and Tyrone, in Donegal, in Fermanagh, in Sligo, Galway, and part of Clare. We have no party south of Carlow. It has occasionally happened that a party has been pushed to the southward for, perhaps, a week or a fortnight, when we have had intelligence that illicit distillation prevailed in any particular locality; but no party has been permanently stationed, I may say, south of the Liffey, or south of the Shannon, since the formation of the force.

9. Speaking in round numbers, taking the single county of Donegal, what proportion of the entire force do you consider would be the general force applied in Donegal?
Nearly one-third of the whole force.

10. Earl of *Wicklow.*] Which is the worst county for illicit distillation?
Donegal is, I believe, decidedly the worst.

The Witness is directed to withdraw.

COLONEL BRERETON, C.B., K.H., R.H.A., is called in, and examined as follows:

Col. Brereton, C.B., K.H., R.H.A.

11. *Chairman.*] WHAT is your rank in the army?
Colonel.

12. Your more immediate line in the profession has been the Artillery?
The Horse Artillery.

13. How long have you served?
The year 1805 is the date of my first commission.

14. At what time was your first connexion with the Excise Police in Ireland?
In the year 1836. I think in the month of March 1836, Lord Strafford, a great friend of mine, and on whose staff I served in the northern district, where I am now in command of the Artillery, asked me if I would like to undertake to organize a force for the purpose of suppressing illicit distillation in Ireland. He stated he knew no more than that it was in the contemplation of the Government to establish such a force there. I then went to the Treasury, and I saw the then Chancellor of the Exchequer, Lord Monteagle, who described to me the nature of the matter, and I consented to go over to Ireland.

15. You had not made any application yourself for that appointment?
No.

16. It came to you by surprise?
I hardly knew what the Excise meant: I knew nothing of it, having been a soldier all my life.

17. Did you proceed shortly after that appointment to Ireland?
There were a great many pre-arrangements necessary to be made with the Chancellor of the Exchequer, that would take some little time. I forget the period, but it was about six weeks, perhaps, or something like that, before I could get away, and proceed to Ireland; and when I did so, I immediately went round Ireland, and I saw the force in its then state, and the nature of it, which I was till then perfectly ignorant of, and I proceeded to consider what I thought and felt would be the desirable arrangement for organising a force upon military principles.

18. You found, on your arriving in Ireland, an existing police force, or a force bearing that name?
Yes, I did.

19. Had

19. Had you occasion then and since to trace that force to its origin and first introduction?

Col. Brereton, C.B., K.H., R.H.A.

15th July 1853.

Yes; its origin appeared to be this: the office of still-hunting (that is, hunting for stills), which implies proceeding into very remote and wild, and almost savage, mountain districts, had been entrusted to the military, or rather the lower Excise Officers were empowered to call upon the nearest military station for assistance in hunting for stills; but it was found by the military authorities so very demoralizing to the soldiers, and so subversive of discipline, that at last, from innumerable accidents that had happened, collisions and contentions, and so on, matters arrived at a point that the military authorities almost refused to go on providing protection to the gaugers. Then some gauger more active than another, said, "If the Government would suffer me to hire and arm a few men for a short time, and take them out with me, I should be able to perform the service in that way."

20. Do you know in which county that took place, and the name of the party who first applied?

I do not; I know it must have been in the northern counties. That party being composed of men caught up and hired, and arms put into their hands, mere countrymen, you may imagine the kind of people, as regards discipline and obedience, they would be. Then, subsequently, the Excise Officers, having a great many duties of their own, independently of hunting for stills, found it highly inconvenient to them to accompany them in person.

21. You have stated that in one county force was applied for, for giving the officers help in the suppression of illicit distillation; were there subsequently to that similar applications made to the Government, and acquiesced in by them?

I was going on to say, the example of this Excise Officer, who had obtained the assistance of those hired armed men, was followed by other Excise Officers, and so there were formed, in a desultory way, various parties—I cannot tell how many; and they went on in that manner, until those Excise Officers felt they had not the time to accompany them on this still-hunting, and they applied for other persons who should receive Excise Commissions: this was done, and the persons so employed, were termed Lieutenants, and commanded parties in lieu of the Excise Officers, and took them out still-hunting: that was the Revenue Police, as I found it in the year 1836.

22. In the year 1817, are you not aware that, from the disorganization produced in the Military Service, orders were issued restraining the action of the military in still hunting-service, and with a view to the preservation of their order and their discipline?

I cannot positively say there was an order; I am not cognizant of any decided order; but, practically, they did not do it; and, in point of fact, they refused, and did not give aid.

23. Now, will you proceed to state what was the next step taken for the organization of the Revenue Police Force?

Innumerable complaints came to the Treasury of the want of discipline of what was termed the Revenue Police; that there were collisions with the smugglers, which were considered to arise mainly from want of instruction in the use of arms which they carried; deaths and wounds were very frequent; and such was the case at the period I was sent for by the Treasury, and appointed to the duty of re-organizing the force.

24. Was there at that time any subordination of rank, or any consequent responsibility between one party and the other?

No; every party acted independently the one of the other, and under regulations that, if they were regulations, to say the least, were very objectionable; the whole of which I altered.

25. For instance, were the officers in charge of parties then termed, as at present, Lieutenants of Police?

Every party was commanded by a person who held an Excise commission, and was called Lieutenant; but there were two officers of a higher grade, who were called Inspectors, and a portion of the Lieutenants in charge of parties reported in some sort, but really very irregularly, to those Inspectors.

Col. Brereton, C.B., K.H., R.H.A.

15th July 1853.

26. Supposing two parties united under two Lieutenants, was there any principle in the corps that would have determined which of those two Lieutenants had the command, or would they have been both called on to act with equal authority?

They were both of equal authority, and independent the one of the other, and without connexion in their operations.

27. Were there any steps taken at that time to train the men before they were trusted with arms, and before they were employed upon Excise duty?

No; they had not the slightest knowledge of the use of arms further than to fire them.

28. What class of men did you find them to be; were they intelligent and orderly, or the reverse?

There was a total want of discipline.

29. Will you describe the condition in which you found the force?

I found it without discipline, and without instruction of any sort or kind, and objectionable in every way: every man almost was married, with a tribe of children; they were wretchedly lodged, and miserably clothed: their arms were in the worst possible condition: I cast two-thirds of them, the first thing I did.

30. Was their distribution in the country such as you approved of?

The existence of illicit distillation in certain counties of Ireland more than in others, had naturally produced the sending of parties to those counties; but there was no chain of responsibility in removing those parties, and rendering their services available for the purposes for which they were paid.

31. Were there any other circumstances in their organization which appeared, in your judgment, objectionable, and requiring correction?

They were totally undisciplined, and knew nothing of the arms they made use of; they had no confidence one in another; all which I found when I went to Ireland.

32. Have the kindness now to state what were the steps you took to alter their organization?

This map will better enable the Committee to understand what I am going to say upon that point. From the number of parties I had to deal with, I classed them into divisions of four parties each, giving to each division a letter of the alphabet. I created a new class of officer, called a Sub-Inspector, whom I took from amongst the best of the Lieutenants whom I then found. I stationed a Sub-Inspector at a certain point, and I placed all the four parties under his orders. Each of the out-parties, that is, the parties at the out-stations, were placed under the command of a Lieutenant; but at the Head-Quarter Station I created also a new class of men, whom I termed Sub-officers, who were not officers, but taken from the best of the Serjeants I found. The duty of the Sub-Inspector was to give his orders for the working of the whole four parties upon a general system, and the Sub-officer at the Head-Quarter Station took charge of the party there for working it; but the Sub-Inspector, when necessary, worked the whole of the four together. The creation of the Sub-officer, instead of placing a Lieutenant there, was for the purpose of saving expense. My wish was, that in the re-organization (though there were changes and higher classes of officers created), by reductions of other matters belonging to the force, the expense of the new organization should not be greater, or not much greater, than it had been previously; and I believe the whole additional expense did not amount to above 4,000 *l.* a year more than it was before. That part of Ireland that had parties in it was divided into two parts; the one part was placed under the orders of an Inspector whom I found, and the other under the other Inspector. I went over the whole of Ireland, and over every square mile almost of it before making my proposal to the Treasury, and thus became acquainted with those parts of Ireland that actually required parties, and those where they were unnecessary. I placed nearly one-third of the whole force in the county of Donegal, and that part of the county of Derry that is nearest to it.

33. Was that apportionment formed by you in consequence of the facts that you had before you, showing the quarter of Ireland in which illicit distillation was most prevalent?

I made

I made inquiries of every person who could give me information; I found there was no illicit distillation in the county of Kerry, none in the county of Cork, none in Kilkenny, none in Waterford or Wexford, very little in Limerick; there was a little in the county of Carlow. The illicit spirit used to find its way over the Wicklow mountains, and get sale in Dublin; therefore, a party was placed at Carlow; but we quickly put this down under the new arrangements.

34. Did you make any very material alteration in the disposal of the force whilst you had the command of it in Ireland?

Wherever I found illicit distillation had a tendency to begin, I immediately sent not one, but two or three parties, perhaps.

35. In reference to the division of Ireland between the north and the south, in one of which districts you have described illicit distillation to have been generally prevalent, and in the other to have been scarcely practised, did you find any variation in this respect during the period you were there?

I never had occasion to make any very material alteration; on one occasion it was reported (incorrectly by-the-bye), that illicit distillation had broken out in a most alarming degree at Dunmanway, in the county of Cork. I sent a party down, and I kept them there some months; they never made a seizure.

36. Have you found such reports not unfrequently made, which, upon inquiry, have turned out to be without foundation?

Repeatedly.

37. Do you consider that at times the object of affixing a revenue station and a detachment of Revenue Police in a particular neighbourhood was an object of desire?

Yes.

38. With a view to the expenditure of the force?

The expenditure of a party of the Revenue Police was about 800 *l.* a year.

39. Earl of *Wicklow.*] How many did a party generally consist of?

Thirteen. In a small hamlet or village it was very desirable to obtain the expenditure of a party.

40. *Chairman.*] Upon completing your inspection, did you find it necessary to take any other steps to insure the training of those who were introduced into your corps?

One of the measures I proposed, and to which I obtained the sanction of the Treasury, was, to establish a depôt in Dublin for the instruction of men engaged, in their own localities, upon the recommendation of magistrates or gentry; I reserved to myself the power of seeing them at Dublin, and if they were not fit, I did not take them; and I then got permission from the Treasury to engage a discharged sergeant of artillery as a drill-master, and he drilled the recruits at the depôt as a corps of light infantry. The whole of their movements in still-hunting were performed precisely according to the regulations of the army; for the movement of light infantry is peculiarly applicable to still-hunting; because light infantry in action extend themselves a distance of perhaps eight or ten yards apart; one man, and the man behind him, which we call in the army his coverer, thereby covering a much larger space, and acting independently; so that in moving along, a file of two men might go into a house, and search efficiently, in a scattered village, while the other files move on; in short, each of those files, extended over a very considerable space, could search simultaneously the houses in a village. Then by their instructions they were taught to rally, and, as constantly happened in the early period of my management, they ran and formed squares when they were attacked, and carried off their prisoners within their squares, though only consisting of 13 men on the average; but there were scarcely any, if any, instances of the necessity of taking life in self-defence.

41. Earl of *Wicklow.*] When you say they searched houses, do you conceive that they had a right, while they were upon that duty, to enter any house they pleased?

Yes, into your cellar.

42. *Chairman.*] Had they not all an Excise commission, which, in fact, gave them that authority?

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Yes, the officers had; and the same law that gave an officer the right, by virtue of his commission, to search any house, gave him also the power to employ assistants to help him in doing it.

43. I believe you yourself, in order to bring the whole into a system, became an Excise Officer, as the head of the force?

One day there arrived a packet; and upon opening it, I found it constituted me a gauger, which I at first did not quite like, and I wrote about it. I said, "Really this is not necessary that I should have a gauger's commission;" and they said, "You cannot legally act without it."

44. Reverting to your depôt, the Committee have heard from you that, in your first inspection, you rejected all who did not appear to you fit for the service?

Yes.

45. With respect to those you admitted, how long was their general period of training at the depôt?

When considering the question of giving them military instruction, I felt that the less I exacted from them in the way of acquirement of that nature, the better, and I therefore took the regulations for the army, tore out the leaves, and selected only those movements that were absolutely necessary for self-preservation, and for the performance of duties against the people they had to cope with.

46. Did you require any moral recommendation as to character, or any intellectual acquirement as to reading and writing, before you appointed them?

I required that the man should read and write; that he should not exceed the age of 25; that he should produce recommendations of character from two respectable householders, accounting for his character and conduct for the past two years; I may not be perfectly correct as to that period, because I am stating from memory facts that occurred 15 years ago.

47. Earl of *Wicklow.*] When you say that you took the men upon the recommendation of magistrates and gentry, and that you also took them subject to your own approval, are the Committee to understand that you required in every instance, from every part of the country whence they came, a recommendation, and that the individuals should also be sent to Dublin for your inspection previously to their being accepted into the corps?

The man was subjected, in the first instance, to the inspection of the local officer, and, by permission of the military authorities, the military surgeons were ordered to examine physically the man who had previously been inspected by the local officer. The local officer then wrote to me to say, that he had a certain number of men whom he recommended, and so on; and I then ordered them to be sent up to Dublin, where they were put under the course of instruction. It therefore very rarely happened indeed that I found there were any objections to a man of a sufficiently serious nature to warrant my rejection.

48. In fact, such persons as were taken into the force in the first instance, were necessarily obliged to go to Dublin for training?

To be taught by the superintendent of drill.

49. *Chairman.*] Did their stay in the depôt for the purpose of instruction, give you any means of ascertaining what their general conduct was, and how far you could rely upon them?

There was a strict system of discipline kept up at the depôt, much stricter than they would probably be subjected to when they should have joined their party. I had great dependence upon the man whom I placed there as the superintendent of drills, as well as to take charge of the depôt. I did not live at it myself, but I used to visit it, perhaps, every other day.

50. If that man had reported to you that one of those persons sent up to the depôt appeared to him an ill-conducted and irregular man, what would you have felt it to be your duty to do?

To have dismissed him forthwith.

51. Without hesitation?

Without the slightest hesitation.

52. Did cases arise during your experience in Ireland, in which persons were sent

sent up and admitted to the depôt, and were rejected by you on account of their character and conduct?

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I cannot recollect a single instance, and I do not think there was a single instance; they had been originally very carefully selected by the local officer; and they knew that their permanent appointment or employment depended mainly upon their conduct at the depôt. We had, of course, what we call in the army the Tattoo Roll, calling at a certain hour, and the men were not permitted to be out after that hour; and, in short, their whole time was so occupied by drilling and instruction, that they had not a leisure moment. I took as little as I possibly could from the regulations of the Army as a code of instruction, and I found it quite sufficient to retain those men at the depôt for six weeks, and I made very good soldiers of them by the end of that period.

53. What was the next step?

I then sent them to parties where there were vacancies.

54. Will you describe what steps you took in order to ensure the strict execution of your orders, and the strict execution of all the duties of the various officers and men you have described; was there any system of check or inspection devised by you?

The whole of the proceedings of the day were inserted in a diary or journal, and that journal was read to the men on the parade by the officer, if I recollect rightly, the day after the proceedings of the preceding day. At the end of six weeks, which the Treasury calls a Round, the journal or diary had to be sworn to before a magistrate. I believe now they declare it; in my time it was sworn to. The men, therefore, were made cognizant of the proceedings as described, as was the sergeant, who by-the-bye had also to swear to the contents of the journal, and of a document they called a Still Bill, which was a condensation of the proceedings in the diary; of course, therefore, it would have been impossible for an officer to have said a thing that was not, as there were all those people who could have checked him.

55. What duties were executed by your superior officer or Inspector in working these separate parties?

He on each visit to the party read the diary of the proceedings that had taken place during the interval between that visit and his previous one to the party assembled on parade, and the men were asked if they had any objection to make to the records on the diary.

56. If there had been any objection raised by any of the men, that would have come immediately to your cognizance, would not it, as the head of the force?

Immediately, through the Inspector of the district.

57. Did any cases of that kind come to you which led you to doubt the fidelity and the truth with which the diaries were kept?

I had not perfect confidence in the Revenue Police until I had completely reorganized it.

58. The question refers to the state of the force after you had reorganized it?

I do not recollect any instance of the kind.

59. Are there any further observations you would wish to make with respect to the reorganization that took place under your authority?

I reorganized the force to the best of my judgment, and I thought it was a very good organization; it worked perfectly well; illicit distillation was wholly and entirely held in check, because when illicit distillation is spoken of, it must not be supposed that in any country a still at work furtively may not exist, but illicit distillation in general meant gangs of 60 or 80 men, in glens and fastnesses and mountains; gangs of men that were so ferocious, that it required armed men to cope with them, and even then it was the case with the military frequently, that they were defeated by those smugglers: all that ceased wholly and entirely, and was driven from Ireland altogether; but it took refuge in the islands of the north-west coast. Feeling that to be the case, I applied to the Treasury for the loan of a steamer, which they granted me. I put three or four parties on board, and sent them to the different islands, and we banished it entirely; and I believe, when I quitted Ireland, illicit distillation, in the form of violence I have described it, had totally ceased.

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60. Earl of *Wicklow.*] How long was it after you had reorganized this force before you succeeded in the manner you have now described in suppressing that illicit distillation?

I dare say it took 18 months before we could complete the organization of the Revenue Police, because, you must understand, although I found a great many people there who were highly objectionable, I could not commit an injustice by getting rid of those people at once, and I had to wait a certain time before it could be done without harshness.

61. Viscount *Canning.*] Do you mean that it was 18 months before the Police was thoroughly organized, or 18 months before the total suppression of the illicit distillation had been accomplished?

Both.

62. Then was the suppression entirely accomplished as soon as your force was organized?

I was asked whether it took 18 months to reorganize the force, or whether it took 18 months to suppress illicit distillation; I could not complete the organization perfectly to my satisfaction under the 18 months, for the reason before adverted to, and during that period illicit distillation, to a certain extent, though diminished, prevailed; but when I found that the force was in the condition that I could desire it to be in, and that I could act with them with greater freedom, I think illicit distillation then became suppressed, or rather held in check.

63. Then when you spoke just now of illicit distillation having been entirely banished from Ireland at the time you left it, to what date did you refer; when did you leave Ireland?

I left in March 1846; I felt I had been there long enough, and I preferred going to China to command the Artillery, and that was in 1846.

64. The object of my question was to ascertain how long it took you, counting from the time when you first arrived in Ireland, and found the force in that disorganized condition which you have described, not to reorganize the force, but completely to suppress the illicit distillation?

After the first 18 months I began to get it under; it was not immediately suppressed.

65. Earl of *Wicklow.*] How long were you in Ireland altogether?

Upwards of nine years.

66. Viscount *Canning.*] During about eight years, then, of your stay in Ireland, the extent of illicit distillation was very trifling?

Very much less than it had been ever before; there was always illicit distillation, because, as I have adverted to before, it is sometimes impossible to prevent a still furtively being at work; there may be a still in the cellar of this house, and not one of your Lordships be aware of it; but illicit distillation as an outrage on society totally ceased.

67. The Committee may infer that the great evil of illicit distillation was practically put an end to within two years?

Yes; it scarcely ever escaped detection.

68. Lord *Ponsonby.*] What was the largest number of men you ever had?

Nine hundred and six privates, and something under 1,100 including officers and sergeants.

69. After the period you have mentioned, when illicit distillation was at an end, did the force continue in the same numbers?

If they had been diminished in ever so small a proportion, it would have broken out wherever they had been removed from.

70. Then the force is of the same amount at present, so far as you know?

Yes; at least I believe so; I have had no knowledge of it since I left it seven years ago.

71. *Chairman.*] Did you make a report to the Excise Board upon the state of the force, and describing also the improvements which you wished to recommend after your first visit to Ireland?

After my first visit to Ireland, I returned to England, having visited every part

part of Ireland, and I then made a report, in which I stated exactly the organization I would recommend. *Col. Brereton, C.B., K.H., R.H.A.*

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72. And it was immediately carried into effect?
It was immediately consented to, and fully carried into effect.

73. You found no difficulty on the part of the Government in giving effect to every one of the recommendations you made?
I may safely say that I almost never made a proposal to the Government that was not immediately assented to; and without such strong support as I then received, it would have been quite impossible either to have reorganized the Revenue Police, or, with whatever force, to put down illicit distillation.

74. When you have spoken of the suppression of illicit distillation, you wish it to be distinctly understood that you do not mean the entire suppression of the practice, but the suppression of the practice in that open, avowed and violent manner which you have described as existing antecedently?
That is my meaning.

75. How long did you remain in Ireland?
Upwards of nine years.

76. During that time had you occasion to consider whether any increased power, or any new organization, or any connexion between the Revenue Police and other authorities, would enable it to be made more operative for the purposes for which it was instituted?
The Revenue Police derived great advantage from information, which information they obtained in various ways; never, perhaps, so much as would have been desirable, but, nevertheless, information: still-hunting is one means of putting down illicit distillation; but, to do that, they must search and perambulate to great distances: my rule was, that the Revenue Police should work during five services in the week, three of these services being by day, and two by night.

77. Three days and two nights?
Three days and two nights, and that was very arduous; the range of a party would be, back and forwards, say 20 Irish miles, and you must add one-fourth to that number to make them English miles; therefore it would be 25 English miles; that was a very laborious duty; but if they obtained information upon which they could rely (it was very often given falsely, and from a motive), it saved them an enormous deal of searching, and of consequent travelling and hard labour. I therefore felt very early in my management in Ireland, that if I could obtain from the constabulary information of the existence of illicit distillation, which I presumed in most cases they must be cognizant of, I should more effectually succeed in the object I had in view of putting down illicit distillation, and save my men very great labour and fatigue. I therefore applied to Colonel Macgregor, who was a very great friend of mine, and, I believe, previously to Colonel Shaw Kennedy, an equal friend of mine, and asked that he would, whenever it came to his knowledge, or the knowledge of his people, have transmitted to me whatever information they might obtain; it was done the whole time I was in Ireland, and I derived very great advantage from it. I have in my pocket now some papers in relation to that subject.

78. What are those papers?
They are not papers I could put in; however, I did apply to Colonel Macgregor, and I also applied to Lord St. Germans, then the Chief Secretary for Ireland, on some occasion when I had come over on public business; I saw him at the Irish Office; I showed him all my reasons for wishing to obtain this aid from the constabulary; he saw it in the light I wished him to see it in, and he issued an order upon it; and the result was, that the Inspector-general, Colonel Macgregor, received this order: "It having been strongly represented to Government that it would very much facilitate the due enforcement of the revenue laws if the constabulary were directed to give immediate information of the localities where their infringement prevails, as well as to afford effectual protection to the excise officers in the discharge of their duties, their Excellencies wish that orders should be issued with as little delay as possible to this effect: 1st, that the officers of the force, and head or other constable in command of stations, shall communicate confidentially to you, for transmission to Lieutenant-colonel

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Brereton, any indication they may observe of illicit distillation in malting, to be reported in the most minute manner as to local particulars; and, 2dly, that when called upon, the force shall give effectual protection to excise officers in the discharge of their duties." Colonel Macgregor immediately complied with the directions; and the whole time I was in Ireland I received, in the form of returns, which had been previously sent to him, and transmitted from him to me, returns, not alone telling me where there were indications of illicit distillation, but likewise where they felt there was an absence of it. But there was another point upon which I was in communication with the Government, and likewise with Colonel Macgregor, and that was the suppression of shebeenism in Ireland, or the sale of spirits in houses not licensed to sell spirits. This is addressed to Colonel Macgregor: "I send you the amended document as to illicit distillation, &c.; I have been receiving lately unusually frequent statements of attacks made upon parties of Revenue Police in the execution of their duties, and in all cases by gangs of fellows congregated at and around shebeen houses, which, as you know, is the term used for houses in which spirits are sold without license; and I have almost every day before me applications from magistrates and resident landlords to put down by the Revenue Police these houses. They state most truly that shebeenism is the greatest of all the evils of this country; in fact, it is the cause of most of the crimes committed, for in these unlicensed houses plans for outrages and murders are arranged. But the Revenue Police, even if their numbers were ten times what they are, have no legal power to deal with the question; the Revenue Police can only act under the Excise laws"—those Excise Acts are 1st & 2d Will. 4, c. 55, and 7th & 8th Geo. 4, c. 53—"and these contain no such power. Nevertheless, I constantly strain the law, but can make no impression. The Excise Act gives power to seize spirits which are illicitly distilled, or 'potteen;' it gives also a power to seize legally distilled spirits in any quantity which exceeds a gallon, if unaccompanied by a permit. Now, in the various reports of searches made in shebeen houses, I do not remember a single instance of illicit spirits having been found; and although duty-paid spirits are always met with, yet the quantity never amounts to one gallon; the vessel containing it, like the widow's cruse, being, however, never dry; the Revenue Police return, therefore, baffled, and having done nothing. But an Act was passed at the close of the Session of 1836, which was expressly enacted to meet this evil of shebeenism; it is the 6th & 7th Will. 4, c. 38," which has been subsequently repealed. But an Act still more stringent was passed on the 24th of August 1839, the 2d & 3d of Vict. c. 79, which remedies certain defects in the former Act. "Now, this Act gives to magistrates and the constabulary very strong powers, in fact, to the constabulary, as the principal officers of that force are magistrates; it first enacts that no licenses are to be granted for sale of spirits, &c., but on certificates of good character from the chief constables, thus enabling them to know precisely who are and, by consequence, who are not, licensed in their districts; and by the 17th section it gives power to enter suspected houses to search for spirits; and if there be reasonable grounds for suspecting that spirits are sold without license, spirits in any quantity found may be seized; and further, by the 18th section of the Act any person suffering spirits to be consumed (whether sold or not) in these shebeen houses may be fined in the sum of two pounds." That was found practically, unless acted upon with very great discretion indeed, to be very oppressive, because any gentleman who gave you a glass of wine was clearly liable under that Act, so that it was repealed.

79. Are the Committee, then, to understand that it is your opinion that the duty of suppressing those shebeen houses is a municipal duty that may fairly be thrown, and is by law thrown, upon the constabulary rather than upon the Revenue Police?

The evil of shebeenism is wholly a municipal one; it is not in any way a fiscal one; on the contrary, the sale of spirits in unlicensed houses increases the revenue of the Excise, inasmuch as all spirits sold in a shebeen house are regularly distilled spirits, because, in using only legally distilled spirits, the person selling them avoids the penalties of the Excise Acts. Moreover, there is a decided pecuniary advantage in selling only legally distilled spirits; the legal distiller, in order to provide for evaporation, always, in Ireland, raises his spirits to 25 per cent. above proof. The illegal distiller, from the rudeness of his apparatus, and the

the rapidity with which he is obliged to perform his operation, never raises his spirits higher than 12 per cent. below proof; consequently he may throw out 37 parts out of 100, fill it up with water, and he then brings the legal spirit to the same strength, and thus it is as saleable as the potteen; therefore I think the Legislature was wise in making it wholly the duty of the constabulary to deal with shebeenism in Ireland, and give no power whatever to the Revenue Police to deal with it except where the laws of the Excise are infringed, which they never are.

80. Are you not aware that although the actual distillation of illicit spirit is confined within the districts in which the greater amount of your force was placed, yet the practice of establishing shebeen houses is general throughout all Ireland?

There are no ten square miles of Ireland that have not a shebeen house.

81. Therefore, independently of all other considerations, if the Revenue Police were relied upon for the suppression of shebeen houses, would not it require the extension of the Revenue Police over the whole surface of Ireland?

I calculated that point very nicely, and I found that unless the Revenue Police, which is under 1,100 men were increased to between 3,000 and 4,000, and their attention almost exclusively directed to that point, it would be quite impossible that they could put down shebeenism.

82. Earl of *Wicklow.*] Are there not officers called gaugers established in most parts of Ireland?

Yes.

83. Do you consider those gaugers as part of your Revenue Police?

No.

84. They are a separate body altogether?

Yes.

85. *Chairman.*] From your knowledge of the gaugers, and your knowledge of their numbers, do you think it would be possible for the gaugers themselves, without the active assistance of the constabulary, to suppress the shebeen houses?

They have by law no power to deal with them in any way; they may go into a house and search, and they may find spirits, three-fourths of a gallon and three-fourths of the odd one-fourth of the spirits existing, and they must leave it on the spot.

86. If a gauger entered into a house, and found, under the law as it stands, that there had been a sale of spirits in that house without a license, is it not at once the duty and obligation of the gauger to prosecute that man?

I am not able to say, I think not.

87. Have there been any difficulties felt with respect to the Revenue Police by reason of any reluctance or refusal of the constabulary to escort revenue prisoners to gaol?

On that first occasion of my inspection of the country with a view to recommending the sort of reorganization that I thought necessary, I visited Ballycastle, a station in the county of Mayo; I found a party preparing to escort a prisoner to the gaol of Castlebar; (all Excise offenders who are convicted must be lodged in the gaol of the county in which the offence was committed). To take that prisoner to Castlebar, implied a journey of 70 English miles there and back; but if the constabulary had been charged by the magistrate to escort the prisoner to the gaol, they would have had only to travel probably 12 miles, because they might have passed the prisoner from station to station, and so have done the thing very easily, in fact scarcely more than within their daily range.

88. Supposing the Revenue Police were obliged in such a case as that to escort prisoners to a distant gaol, must not it have inevitably disorganized the whole of your arrangements in the distribution of that force, and left the revenue exposed to the dangers incident upon a want of protection?

That would have been the case, and was the case, probably, in that very district, because, from economical motives, the parties upon the average were only 13 men; one man must be left in the barrack to take care of it; two men would

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would have to go with the prisoner to the gaol of the county, wherever that might be, however distant, and the remainder would be too few to cope with the illicit distillers.

89. You stated that in the Revenue Police which preceded yours, the cases were not unfrequent of violent collisions between them and the peasantry, and loss of life ensuing; are you able to inform the Committee whether a better spirit was the consequence of the more perfect discipline and organization that you introduced?

When I saw the Chancellor of the Exchequer in Ireland, and told him I was then prepared to return, and put into effect the organization that had been assented to by him, or by the Treasury, he put into my hands, I think, seven cases of collisions between the then parties of the Revenue Police and smugglers, of which two were loss of life on the part of the smugglers; and he desired that I would investigate and give my opinion upon them when I got to Dublin, and had the time to do so: I did examine and inquire into those cases, and I could not but feel that, in perhaps all the cases, the collision had arisen from two causes; first, the total ignorance of the use of arms, and the total want of discipline of the parties; and, secondly, total ignorance of what was called danger, and how that danger might be most sensibly avoided. There was one case in the county of Carlow, if I do not mistake, at a village near Naas; an officer of the Revenue Police had made a detection of illicit malt, and he went with his sergeant to find a cart to carry it to his station; in the meantime, his men were in the streets of the village: a stone was thrown from one of the houses, and without any order the men all levelled their muskets at the houses, fired, and killed a poor woman who was seated at the fire cooking potatoes; that I called a cold-blooded murder, and felt it to be so, and could not but report it almost in that sense: such was the effect of the want of the knowledge of the use of arms, and the want of discipline and want of obedience; they had no business to fire without an order from their superior: such was the state of the Revenue Police as I found it.

90. Are not the powers of the Revenue Police infinitely greater than the powers which are conceded by a law to the civil authority, the constabulary, with respect to arms, or breaking into houses?

I do not quite know the powers of the constabulary; but I know the powers of the Revenue Police were most stringent indeed, and such as, if conceded to people who could not judiciously exercise them, must be productive of very serious consequences. When I went to Ireland, it was constantly said to me, "Colonel Brereton, I do assure you this force which you came to command is more dangerous to the community than useful to the interests of the revenue."

91. Have not the Revenue Police the power of acting without the presence of the civil magistrate?

So much so, that they never require a civil magistrate to legalize their proceedings; that is given under one of the Excise Acts.

92. Lord *Stanley* of Alderley.] Are not the powers of the Revenue Police the same as are given to all Excise officers?

Wholly the same.

93. They possess no additional powers but those which are conferred upon every Excise officer?

No additional powers; but they would not be acting legally unless they had those powers. I have already stated myself that I had to submit to receive a gauger's commission, in order to make me a legal agent.

94. Earl of *Wicklow*.] Were you in Ireland at the time when the increased duty took place, in the year 1842?

Yes.

95. Did you perceive, in consequence of that increased duty, any great increase in the private distillation?

I should be obliged to refer to returns to give a precise answer to that question; but I need not say that any increase of duty would naturally increase the tendency to illicit distillation.

96. I want

96. I want to know whether you found that, in consequence of that increase any great increase took place in the duty that your force had to perform?

Certainly there was; I felt it necessary to use increased exertions to prevent it.

97. Was the force in the state of organization to which you had brought it at that period?

Yes.

98. Lord *Stanley* of Alderley.] Did you think that the force you had at your command was sufficient even to put down that increased amount of illicit distillation?

I felt that there were required great additional exertions then; I should have been very glad to have had an increase of the force, only that I made it a point, if it were possible, not to recommend any additional outlay; it would have been more convenient if it had been increased by one-third, because of the increased tendency to illicit distillation which must necessarily arise from the increased duty, inasmuch as a bushel of grain will make two gallons of spirits, and the bushel of barley may be worth 6 *s.*

99. Earl of *Wicklow.*] Had the order emanated from Colonel Macgregor to the constabulary to give you the aid that you found to be wanted at that period when the duty was raised?

The order was dated September the 19th, 1842.

100. In fact, that order was most likely issued in consequence of the probability of increased duty upon the part of the force?

No, I think that was not the case; for I had been for years trying to carry that point, and I did it finally by a conversation with Lord St. Germans, in the Irish Office here; he saw it exactly as I did, and he sent that order to Colonel Macgregor.

101. You found very great benefit from that order?

I did: in short, if the Constabulary would assist the Revenue Police in this way, by giving information (confidentially, of course), where the illicit distillation exists, and if they would consent to escort the Revenue Police prisoners convicted before magistrates to the gaol of the county, I think that they would, perhaps, render all the assistance that reasonably ought to be asked of them.

102. They do now afford that assistance, do they not?

No; they will not escort the prisoners of the Revenue Police, as I hear; but at the same time I should say, it is a subject that I have not thought of since I came home from China: I have heard Colonel Macgregor feels that he cannot act in the suppression of shebeenism.

103. Is that from the existing state of the law, do you mean, or from any apprehension of its being injurious to his force?

No, from an ill-conceived defect in one of the Acts of Parliament.

104. Lord *Stanley* of Alderley.] Are the Committee to understand, when you state that the Revenue Police cannot have the assistance of the constabulary, that it is in consequence of the indisposition of the constabulary to render that assistance, or that, according to the existing law, their services cannot be given in aid of the Revenue Police?

The Constabulary Act prescribes that they shall not perform certain duties in aid of the collection of the Queen's revenue, levying fines, and other things that I do not recollect; but it would be a very constrained construction, I think, to consider an escort of the Queen's prisoners to a county gaol for any infringement of Her law, to be acting in contravention of the Act of Parliament.

105. Is not it the business of the constabulary to aid the magistrates in the enforcement of any of the laws of the country except the revenue?

They consider, I believe, the escort of a prisoner convicted for a revenue offence to be an aid in the collection of the revenue.

106. Viscount *Canning.*] In reference to the case at Ballycastle, mentioned in your report of 1836, did you make any representation at that time to the

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Irish Government suggesting that the police should be authorized to assist you in forwarding your prisoners to gaol?

I did.

107. What was the result of that application?

It was not followed by any order to escort the prisoners.

108. Was the result such as to leave you under the impression that the objection lay in the law, or with the police authorities?

I wish to convey this point to the Committee, that it may be that they consider that the escort of a prisoner convicted of a revenue offence to gaol, may come under that clause of their Act which provides for levying fines under judgments upon the Excise Acts.

109. But that was not stated to you as an impediment to complying with your suggestion?

I do not think it was.

110. Lord *Stanley* of Alderley.] What answer was made to your representation?

It was when I first went round Ireland to consider how the force should be reorganized, and one of the suggestions I made was, that the constabulary should be enjoined to escort our revenue prisoners, and I do not think any notice was taken of it; the result I know was a failure.

111. Viscount *Canning*.] Was this one of the few suggestions you made to the Government that was not acted upon?

Yes; in every case where the reorganization was concerned, my recommendation was at once acted upon.

112. And up to the time of your leaving Ireland, the same mode of escorting prisoners to gaol continued, namely, that their escort was entirely composed of the Revenue Police?

Wholly.

113. *Chairman*.] Was that invariable, or were there not many districts in which assistance was given by the constabulary for the escort of prisoners?

I do not recollect any.

114. Earl of *Wicklow*.] When you proposed that the constabulary should give aid in the escort of prisoners, did you, as a matter of course, conceive, in the first instance, they must be taken before the magistrates, in order to have the magistrates' authority for their committal?

Yes; they were men convicted of infringement of the revenue laws, and at once committed to gaol from the Court; and I felt, and stated repeatedly afterwards, that that difficulty might be overcome, because the magistrate could insert in the warrant very easily the name of the constable who was to take him. I think I was asked whether any steps were taken to obtain that assistance on the part of the authorities; I believe repeated representations were made in consequence of that suggestion of mine. I am perfectly sure that repeated representations were made to obtain that aid.

115. Viscount *Hutchinson*.] Could you give us the year in which that representation was made?

I believe it to have been made in the year 1836, when I went first round Ireland. Every paper upon public subjects is kept in the office in Dublin, with my suggestions.

116. *Chairman*.] And I presume those papers are accessible, if the Committee call for them?

Clearly; you will find among the papers that very representation that I made, and the date of it.

117. Lord *Ponsonby*.] Did you ever receive any official answer, stating whether the authorities considered the constabulary were right in refusing to escort revenue prisoners?

No.

118. They never expressed any opinion upon the subject to sanction the refusal?

No, not to my remembrance.

119. *Chairman*.]

119. *Chairman.*] It is your opinion that, in respect of the suppression of the shebeen houses, and also in respect of the escort of prisoners, it is highly important that the services of the constabulary should be given?

I think so, decidedly.

120. And that without such co-operation it would be impossible, in those parts of Ireland where the Revenue Police are not stationed in any force, to execute the law?

To execute the law as respects shebeenism.

121. Has it occurred to you whether it would be desirable to combine the constabulary with the Revenue Police, for revenue purposes, to those services of the police which more peculiarly relate to the revenue than purposes affecting the general peace?

I think it would be the most fatal measure that could be devised: it would be a divided authority to begin with. The Revenue Police is devoted exclusively to one object, which is the suppression of an evil peculiar to Ireland, namely, illicit distillation carried on in a turbulent manner; but as regards the protection of the spirit revenue in Ireland, which in my time amounted to 2,000,000 *l.* sterling a year, that was my criterion for forming a judgment of whether the Revenue Police had really performed their duties effectually during a given period. I always examined the returns of the Irish revenue, and if I found it had fallen off in ever so slight a degree, I formed the conclusion that there had been some negligence, and, in consequence, thought it necessary to proceed to more stringent measures in the ordering of the operations of the Revenue Police. But to put down illicit distillation, it is not sufficient to act upon information: that would be very simple and very easy, and anybody could perform it; but they must still hunt, which is an art; that is, they must search in localities where such things are easily concealed; and, as I have stated, I found it necessary that they should perambulate during three days and two nights in the week; that the constabulary could not by possibility perform compatibly with their other duties. There is another point I would wish to mention, which is, that in Ireland, so long as a person is employed in the execution of that which is strictly his own duty, he is never molested. No Judge in Ireland, however severe his sentence upon the criminal may have been, is ever attacked there. A barrister who has to urge, in the strongest terms, the conviction of a prisoner, may freely pass from the court in the worst districts in Ireland, and nobody ever dreams of molesting him. I have gone alone throughout Ireland myself, and everybody knew who I was; and singularly enough, but I do not know how it was, from the moment I quitted my office in Dublin, it went all over the country I was going to inspect the corps. But I have been in the most secluded spots alone, and never found the least molestation. Upon one occasion I felt really that I might have been in some danger. I heard myself abused for some act that I had been obliged to perform, in bringing a case before the Exchequer. I was in a boat, crossing the Mulray waters: it was a crazy boat, and I was obliged to bale the water out with an old hat. They were abusing Colonel Brereton. I noticed a house, and I said, "Whose house is that?" it was rather a better kind of house for that remote district, Fannet Donegal, which is the most turbulent of all the localities in Ireland. The boatman said it belonged to Rothery. I said, "Did not he get into some trouble about some stills at work?" "Yes;" and then they commenced immediately abusing that savage Colonel Brereton. When we got into the middle of the stream, I said, "Do you know who I am, my lads?" "No, your honour." "Well, but," I said, "guess." "May be you will be the captain of the steamer that has just come off the coast." The steamer I had got for the suppression of illicit distillation in the west of Ireland. I said, "No; guess again." At last I said, "I am Colonel Brereton; you have nothing to do but to scuttle the boat, and you will get rid of this tyrant." "Long life to your honor; I would not hurt a hair of your honor's head, sure; if you did not do it, another would." Then if the constabulary were directed to perform a duty which they have not hitherto performed, and which I maintain it would be impossible, compatibly with their other duties, to do, I say that there would be such an outbreak upon the question of illicit distillation in Ireland, as would really be highly fatal. Therefore, I think it would be a most unfit measure to amalgamate the two forces. The Revenue Police, when I quitted it (I know nothing of it since), was

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the finest light infantry regiment—for it amounted to about a regiment—I had ever seen; and I would willingly take it as I left it, as a regiment upon service, with the most perfect confidence in their performance of their duty.

122. Lord *Stanley* of Alderley.] After what you have stated, if it were to be assigned to the constabulary as part of their duty that they should execute part of those duties that are performed now by the Revenue Police, would there be that feeling on the part of the people towards them which would make it difficult for them to perform their duty?

It would take a great many years before the people would be convinced that it was the legitimate duty of the constabulary to suppress illicit distillation; but I also maintain it would be incompatible with their other duties. They could not still-hunt; they could not for three days and two nights in the week perambulate to distances such as are necessary to find stills.

123. Are not the constabulary distributed in every small locality in Ireland? Yes.

124. And is not the consequence of that that they must have a pretty considerable and accurate and clear knowledge of the circumstances of the parish or the district in which they reside?

There is no doubt of their knowledge of and where the illicit distillation exists in many instances.

125. You say there is no doubt of their knowledge of and where illicit distillation exists; having, then, that knowledge, if it was part of their duty to prevent the violation of the Excise Laws, would not they be better qualified to perform those duties than the Revenue Police, who are more widely extended, and have not such an accurate and close knowledge of the particular districts?

The Revenue Police do obtain information from other sources than from the constabulary; but it would be an addition to their information if the constabulary would give it, and therefore would add to the efficiency of the Revenue Police.

126. Earl of *Wicklow*.] Do not you think that if it were generally known in the country, more particularly in those portions of the country where private distillation has hitherto prevailed, that an order was given to the police to suppress it whenever it could be discovered, that the knowledge of that fact in the minds of the people would tend to prevent their erecting those stills?

Illicit distillation is carried on in very secluded situations, and the great object of an illicit distiller is to evade detection; and I do not think that that disposition would be lessened because one armed force has taken the duty so effectually performed by another armed force.

127. You have stated, from the position in which the constabulary are located in the country, they must have a knowledge of and where private distillation prevails; do you not believe that the people themselves would very soon be aware that the constabulary must know where they carry on that private distillation?

I have no doubt that even now the people are aware that the constabulary often know where illicit distillation prevails.

128. Do not the people now believe that the constabulary have no right to interfere with that private distillation?

It may be so.

129. Then, supposing it were well known to them that the constabulary had orders to suppress it, either by immediate information or by acting themselves in suppressing it, would not that have a tendency to prevent those people carrying it on?

It would require a very long period for the constabulary to become acquainted with the manner in which this still-hunting duty should be performed.

130. I am not speaking of still-hunting?

Without still-hunting I defy you to put down illicit distillation in Ireland.

131. You have said that, from the position the constabulary are placed in, they must naturally have an accurate knowledge of when that illicit distillation is carried on?

I have

I have probably stated that in very strong terms, without actually meaning that they always know of all the distillation; but in very many cases I think that they do or ought to know where illicit distillation prevails; and I can by no means understand why a force that for years has been devoted especially to that purpose, and has succeeded in effecting that object, should have that duty delegated to another force, and which duty would be badly performed for a long period.

132. Lord *Stanley* of Alderley.] Are the Committee to understand that, in your opinion, the constabulary in many instances possess more accurate knowledge of where the distillation is carried on than even the Revenue Police?
No, I do not mean that.

133. Have you not mentioned that you obtained valuable information from the constabulary?
Yes; because the Revenue Police, as I have stated, have two modes of dealing with illicit distillation: one is searching and finding it, and the other is obtaining information of where it exists, and where it had not been previously known.

134. Which information, you say, they frequently receive from the constabulary?
Yes.

135. Would not it appear that the persons possessed of accurate information of the places where this illicit distillation takes place, would, if they were authorized by the Government of the country to pursue this illicit distillation, be the best persons to carry into execution the measures for putting it down?
The constabulary amount in Ireland to something less than 13,000 men; but even with 13,000 men, in order to perform their municipal duties, they have to cover the whole surface of Ireland, and when subdivided with that object, the parties become very few in number comparatively. Their parties would be all too small to cope with illicit distillation. Now, as to the Revenue Police, although I think too few in number, I might have had more if I had urged it, because, as I have stated, I never found the slightest difficulty on the part of the Chancellor of the Exchequer and the Treasury to concede anything I showed them was necessary for the public service; but I wished, if possible, by means of great exertions, to supply that which might have been done by an increased number of parties; but still, small as they were, 13 on the average, I considered them always sufficient for self-protection.

136. Would it not be very easy at any moment to increase the amount of constabulary which were on any one spot, where it was supposed illicit distillation was going on?
It would certainly be easy to increase the constabulary if a law were obtained for that purpose; but I think it would be a much wiser measure to increase the Revenue Police to the extent that might be considered necessary to deal with illicit distillation.

137. Lord *Ponsonby*.] Since the suppression of illicit distillation, what have been the very great duties of the Revenue Police?
Although the illicit distillation may have been suppressed, if the slightest relaxation of still-hunting were to take place, you would have the whole of Ireland, or at least certain localities, at once become infested.

138. Would not it be possible for the constabulary to exercise such a system of watchfulness as to know where stills were about to be erected, as they are now almost entirely at an end?
I cannot answer for that; I do not know the rules and manner of operation of the constabulary at all.

139. *Chairman.*] Is not an Irish still a very portable and cheap article?
Yes.

140. And transferred in a single night from one place to another?
Very often; it is about the size of a drummer's drum.

141. What is the cost of it?
A few shillings; I dare say about 7 *s.*

 142. Now,

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142. Now, you stated in the previous portion of your evidence, that one-third of the whole of your force was allocated to the county of Donegal?
I so appointed them; but they may have been changed since.

143. But, assuming that to continue at the present time, what number would that give you in the county of Donegal?
In round numbers you may say the force consisted of 1,000 men, officers and men.

144. Now, the constabulary force in the county of Donegal is limited to 176, I mean the Parliamentary number and establishment?
Yes.

145. Do you think that constabulary force in Donegal could be applicable efficiently to suppress illicit distillation?
A hundred and seventy-six men could do nothing.

146. Earl of *Wicklow.*] Your force being located in certain parts, say of the county of Donegal, where private distillation originally most prevailed, and that force having succeeded in keeping it under generally over the country, suppose an event, such as the increasing of the duty, gave a new impulse or desire on the part of the people to renew the system of private distillation, do you believe or do you not, that the knowledge in that country of the fact that the constabulary had received orders to aid, as far as possible, in the suppression of private distillation, would have the effect of preventing a revival of the system?
It would be possible for the constabulary to keep illicit distillation under, under those circumstances, and in that locality, but in doing so they must wholly abandon their other municipal duties: the two duties are incompatible, and they could not perform both; it would be impossible to keep illicit distillation under, except through the means of still-hunting, and the still-hunting would take the whole of the men's time.

147. My question was not as to putting it down if it did arise; but what I asked you was this, whether you did not think that the knowledge that there was this additional force spead as it is over the locality, in addition to the existing revenue force in that country, would have the effect of preventing its revival?
Not without active exertions to keep it under.

148. You think the apprehension on the minds of the people would not have that effect?
No.

149. No moral effect?
No moral effect.

150. *Chairman.*] Have you not found that the very slightest circumstance, as a fall in the price of grain, has had an immediate effect in stimulating illicit distillation?
There would ever be an increased tendency to illicit distillation where the temptation was so much greater, because a bushel of barley will make two gallons of whisky, and a bushel of barley may be 6*s.*

151. The general illicit spirit is not made from malt?
It is mostly made from barley malted.

152. And I believe it is also made largely from oats?
Yes.

153. Now, have you not been able to find that even the state of the harvest and the weather acts upon illicit distillation; and if the crop has been got in badly in a wet season, that there is a disposition to distil it, rather than sell it?
Certainly, when the harvest is bad, and the grain damaged, it may still be converted into whisky.

154. Therefore, would not all those circumstances which from time to time go to augment the inducement and the temptation to produce illicit spirit, render a constant supervision necessary, even if such an object had been accomplished as a temporary suppression of it?
It would require greater exertions on the part of those who are destined to suppress and keep under illicit distillation.

155. Are

155. Are you aware that under the constabulary laws there is a Parliamentary Establishment for every county, that is, that the establishment of constabulary for every county is fixed by Act of Parliament?

Yes, I am aware of that.

156. The Parliamentary Establishment for the county of Donegal being 176, and your probable establishment in Donegal exceeding 300, it would not be possible, under the law as it stands, to place a force of constables in Donegal that would be sufficient for the purpose even if they were trained and qualified?

If such be the law it would be impossible.

157. The law provides, if an extra force is required in a county, say for the county Donegal, an additional 100 for the purposes of the preservation of the peace, that then that additional 100 shall be supported entirely at the expense of the county, and not of the State?

That is the case under ordinary circumstances; the whole expense of the constabulary is borne by the Consolidated Fund.

158. That is to say, the whole expense of the Parliamentary number fixed by law is paid by the Consolidated Fund; any excess beyond that is shared by the counties?

Precisely.

159. Then if the number of constables in Donegal were to be raised to the amount which you consider might be adequate to the suppression of illicit distillation, would not the result be, practically, that the suppression of illicit distillation, and the administration of the revenue laws, would all be made a local charge?

As the prevalence of illicit distillation would be a local offence, it would only be fair that the country should be made to pay the additional expenditure, and the Government would probably see it in that light.

160. It would be a county expenditure: are you not aware that the practice of illicit distillation in some instances, take the county of Clare for instance, prevails in particular districts of that county, and not in the other districts?

In the county of Clare it is so.

161. Then, if the additional charge for constables required for the suppression of illicit distillation was made a county charge, would not it fall not only on the parts of the county where the illicit distillation prevailed, but upon other parts of the county where it did not prevail?

It would be making the innocent suffer for the guilty.

162. You are probably aware of the effect of the still-fine system as long as it was in force in Ireland?

Yes; and it was upon the injustice to which you have adverted the law was rescinded.

163. Viscount *Hutchinson.*] I wish to draw your attention to a previous answer you gave; you stated, that the two means of suppression that were employed by the Revenue Police, were first obtaining private information, upon which they acted, and, secondly, still-hunting?

Yes.

164. Which is going to search the county at a distance, without having received any information; going to look, in fact, for the illicit distillation?

Yes.

165. Supposing that the constabulary were generally ordered to assist in the suppression of illicit distillation, and to give information whenever it came to their knowledge that illicit distillation was going on, would not the still-hunting become unnecessary?

No; because the great object of the distiller is to avoid the knowledge of where he is distilling, and therefore he more frequently succeeds than otherwise in concealment; he selects the remotest spots he can find; glens, caverns, caves, and other places remote from habitation, where no information can be given.

166. Has it ever come to your knowledge that the constabulary were in a

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position to give information with respect to illicit distillation, and did not give that information?

I think I have believed so sometimes.

167. *Chairman.*] Has that been since Lord Eliot's letter, or before it?

It was before it, I think.

168. Viscount *Hutchinson.*] Have you never had reason to suspect that since that letter the constabulary refrained from giving information?

It is a matter of opinion; I can give no proof probably; but I think I might have derived more information from the constabulary than I did.

169. *Chairman.*] Are you aware that a part of the constabulary duty is to patrol at night, and to patrol generally in parties of two or three at the utmost?

Yes, and in very short ranges.

170. Suppose a party of two or three of the constabulary in a county in which illicit distillation had prevailed, and in which the constabulary had been employed in still-hunting, either singly or in combination with your force, what condition would the patrols of two or three of that constabulary be placed in at night; do you think their condition would be safe?

I have already said that people who are in the strict execution of that which is their recognized duty, in my mind, are generally safe in Ireland; but it would take a great many years before the people would be convinced that it had been imposed upon them as their regular duty.

171. Viscount *Canning.*] Granting that the still-hunting is an occupation which it would not be desirable to assign to the constabulary, is there any other mode of assisting the revenue laws you could suggest in which the constabulary could be used?

There have been a great many propositions to obtain assistance of different kinds from the constabulary, but not by me; because, for the reasons I have given against their still-hunting and interfering with the illicit distillation, I think it would be incompatible with the complete performance of their other duties.

172. Take the case of illicit malting in mills and kilns?

That is part and parcel of illicit distillation.

173. But there is this difference between that and the actual distillation, that the malting takes place in kilns and mills, the position of which is well known, which are more or less in the district within the range of the very duties of the constabulary, and therefore an inspection of those places would give the constabulary much less trouble, and would be more easily executed than hunting for a still?

It might be done to this extent, where it was in the immediate neighbourhood of towns, and many kilns and mills are so circumstanced in Ireland; but, unless their parties were largely increased, that is, each individual party largely increased, I do not think they could do it safely elsewhere.

174. Do you think that if that duty were entrusted to them, it would raise a spirit of hostility against them, such as would not be raised by the attempt to suppress the actual distillation?

I do; till a long period had elapsed, and until the men felt it was a duty enjoined upon them, they would avoid it.

175. Would not there be this difference, that in looking after illicit malting, they would be dealing with people not of a reckless and savage disposition as those illicit distillers are supposed to be, but with well-to-do tradesmen?

They certainly are not of the same violent character that the secret distiller is—not of the lawless character and turbulent disposition that the regular illicit distiller is.

176. Then so far they would not irritate against their body so dangerous a class as they would if they were employed in still-hunting?

But you must recollect that in dealing with those kilns upon which illicit malt is dried, the injury would be done to the illicit distiller whose property would be seized, and there would be a feeling on their part against them.

177. You

177. You think you would be liable to be visited in the same way as if you proceeded against the stills?
The illicit distiller would not feel very friendly to them afterwards.

178. Viscount *Hutchinson.*] I believe the greater part of the spirits made in Ireland is distilled from raw corn, and not malt?
Always from malt.

179. How is that malt made?
In a very rude way: a fellow will have a bag of corn, and throw it into a ditch; I have myself seen in ditches a bag of corn steeping in the water, being rudely converted into malt.

180. There is one county in Ireland in which I believe corn is illicitly malted to a considerable extent, not for the purpose of distillation, but for the purpose of sale as malt?
I am not aware of that.

181. *Chairman.*] Practically speaking, are not the patrolling duties of the constabulary mainly exercised in the more populous parts of the country in the neighbourhood of villages, and the more-peopled parts of the country?
I could not answer that; I am almost ignorant of the nature of their duties.

182. Can you tell whether the duties of the Revenue Police in still-hunting are not mainly in the more remote, uninhabited, mountain parts of the country?
They are for the most part.

183. Then if it should appear, upon constabulary authority, that the great use of their patrolling in defence of property at night, is in the more populous parts of the country, how would it be possible to reconcile with those duties employing them in the more remote and in the mountain districts?
I cannot too often repeat that I consider the duties for the suppression of illicit distillation are wholly and entirely opposed to and incompatible with the duties of the constabulary; I do not see how it is possible for the constabulary to remain a constabulary and at the same time to act as a Revenue Police; I do not consider the thing can be done.

184. Earl of *Wicklow.*] Then you would confine their services with regard to their aid to the Revenue Police to the strict requirement on their part to afford all the information that they possibly can to the nearest revenue station, and the conveying of prisoners?
That is all I should be disposed to ask of them in the way of aid, and if given faithfully and zealously, it would most materially aid in keeping under illicit distillation in Ireland.

185. *Chairman.*] Did you, in the course of your duties in Ireland, frame a code of legislation for the government of your Revenue Police?
As circumstances arose, I felt it necessary to enact certain regulations during the nine years and upwards I was in Ireland: they were very numerous; and when I quitted Ireland, or when I was about to quit Ireland, to go to my own duty to China, I thought it might be an assistance to my successor, who came, of course perfectly unacquainted with the duties he was going to perform, if I collected the whole of them together, and I struck out those that I found present circumstances no longer required. I collected those that I felt to be absolutely necessary, and I had them printed for his information, and here they are upon the table.

186. Will you put them in?
Yes, these are they.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till Monday next,
One o'clock.

Die Lunæ, 18° *Julii* 1853.

LORDS PRESENT:

The Lord President.
Viscount Canning.
Lord Ponsonby.

THE LORD MONTEAGLE of Brandon in the Chair.

MR. JASPER JOHN BARRY is called in, and examined as follows:

187. *Chairman.*] WHAT office do you now fill?
I am second Inspector of Revenue Police.

188. How long have you been in that service?
Twenty-two years.

189. Were you in that service before its reorganization under Colonel Brereton?
I was.

190. What position did you hold in that service?
Lieutenant.

191. Will you state to the Committee in what condition the organization of the force was at that period?
It was very imperfect at that period. The whole force had but two inspecting officers, who were then called Inspectors of Revenue Police. Their visits were seldom, probably once a quarter, and only confined to the fact of whether there was any complaint on the part of the men. They did not interfere much with the discipline of the force, which was left under the care of the Lieutenant. It of course depended entirely upon the personal character of the Lieutenant whether his party was in good order or not; and as regards punishment, his power was limited, and therefore he could not control his men. The privates were also old men at that time, frequently pensioners, who had been discharged from the army, and were of dissolute habits, and there was no established drill. The officers were not instructed in drill themselves, and of course, generally speaking, the force was very inferior to what it is now.

192. Had you any organization at that time of subordinate rank, so as to make one man responsible for the conduct of another?
No; the only rank was that of those two Inspectors, and the Lieutenant, Sergeant and Private.

193. What extent of district is under your superintendence now?
I command four stations.

194. What are those stations?
Carrigart is my head quarters; the others are Rosamakill, Rathmullen and Creeslough.

195. In what counties are they?
In Donegal.

196. Does that district comprehend the entire of the county?
It does not; it is but a small portion of the county.

197. What force is under your command?
Three Lieutenants, one Sub-officer, three Sergeants, and 45 Privates. I may also

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also state here, that the "Seamew" steamer is also attached to my division; and, of course, the islands on the coast are under my superintendence.

198. Is that steamer only made use of for communication with the islands, or for the transport of the police from one portion of the coast to the other?
For the purpose of visiting the islands. There is a party attached to the steamer, the Rathmullen party.

199. What other force is there in the county of Donegal besides yours?
There are other divisions.

200. How many?
There is the A division, the F division, and the G division, and, I think, the H division. Mine is the E division.

201. And there are different stations in each?
Four stations in each.

202. Are the head quarters of each of them in the county of Donegal?
The head quarters of the H division are in the county of Donegal.

203. But the subordinate station of that division is in the adjoining county?
Grange is in the adjoining county, and the other three are in Donegal.

204. Could you tell the Committee the entire force which is now in those divisions, the head quarters of which are in Donegal?
I cannot tell the exact number, but I think it is about 240 men that we have in Donegal. I am not competent to state, without reference to papers, the exact number employed in each county. I merely state from recollection what are the head quarters. I have no returns of the general distribution of the Revenue Police.

205. Can you tell us the pay of those Revenue Officers?
The pay of a Lieutenant is 6 *s.* 6 *d.* a day, and he has also 12 *l.* a year lodging allowance; the pay of a Sub-officer of the first class is 3 *s.* 6 *d.* a day, the second class is 2 *s.* 6 *d.* a day, and Sergeants 1 *s.* 10 ½ *d.* a day; there are two classes of Privates, the first having 1 *s.* 5 *d.*, and the second 1 *s.* 3 *d.* a day.

206. Are there any allowances beyond that and their clothing?
They get a suit of clothing every year, and they have also rewards, which are uncertain in their amount, and given by the Lords of the Treasury when they think fit, upon the representation of the Board of Inland Revenue of any special duty that may have been performed.

207. Are not the rewards paid out of the fines that are collected?
They are not now paid out of the fines, because of the alteration in the law; the fine is paid in to the credit of Her Majesty, and a monthly return is sent forward of the amount, stating also the merits of the individual who has been accessary to the discovery, and upon that representation a sum of money is occasionally given by the Lords of the Treasury to the party.

208. At the present time what judgment would you pronounce upon the general conduct and discipline of the corps which is under your charge?
I think it is very perfect, both as to the constitution and as to the behaviour of the men.

209. Have you any complaints of illegal acts, or acts alleged to be illegal, committed by the men in their intercourse with the peasantry of the country?
No; I have not had anything of the kind come within my knowledge for several years.

210. Were those complaints more frequent under the old organization than under the present?
I believe they were; but I think I can state that no complaint was ever made of the conduct of any man under my command, except what I myself made.

211. Beyond those matters you have stated, are barracks provided for the men?
Barracks are provided for our men.

212. Can you tell the Committee how those rates of pay stand, as compared with the pay of the constabulary?

The

The constabulary are paid rather higher; but there is a deduction from their pay on account of reward and superannuation fund, which, I believe, brings their pay much on a par with our men's pay.

213. Is there any superannuation fund in relation to your corps?
No.

214. Are there not means, in the case of a deserving officer, of making provision after his time of service has ceased?
Our officers are liable to the same superannuation as other civil servants.

215. You all hold, practically speaking, Excise commissions?
We do.

216. Do the privates hold Excise commissions?
No.

217. The Lieutenant and Sub-officers have an Excise commission?
Yes.

218. Have the Serjeants?
They have; but they hold them only when placed in charge of a party, on account of the illness or temporary absence of the officer.

219. Does that Excise commission which they hold give them the power, if they are directed to go out searching, of entering houses, and making searches within the houses?
That commission gives them all the power which is exercised by any officer of the Excise.

220. Does that give you the power of breaking open any door, if you have reason to suspect illicit distillation is going on?
Not, I think, the outside door; but the Act of Parliament gives us the power to break, or at least protects us if we break, an inside door, and if we find anything, the finding is a justification; but I have always considered myself that an outside door should never be forced in; I have never allowed my men to do that.

221. When an Excise officer has received information that either illicit distillation is going on in a particular place, or that illicit spirits or illicit malt are concealed within that place, is not there power by law of breaking the door, and entering and making a seizure?
Not unless he first go before a magistrate, and makes an affidavit, when the magistrate may issue a warrant, authorizing him to break open that door, and then he could do so; but we very seldom apply to magistrates, because if we were to do so, in the meantime the illicit goods would be removed. The practice we follow is this: we coax the person to open the door; we even go so far sometimes as to insist upon the door being opened; we say, "You must open the door; we are the Revenue Police; we will do you no harm; you may as well do so; it will be better for you to open the door;" and they generally do so.

222. Your discipline is very strict, is not it?
It is.

223. Have you had many cases of complaints, or of suspicion on your part, of connivance or co-operation between your people and the illicit distiller?
No, never; I have never known such a circumstance.

224. What are your directions to your force as to their mixing up with the people; do you recommend them to mix up with the people, and become acquainted with them, or keep aloof?
They are directed to keep aloof altogether from the country people.

225. What is the reason of that?
The country people are very much in the habit of watching the operations of the police; and we think it necessary to keep our men apart from them, in order that we might be enabled to act, when required, without being observed, or without having our movements known by the people.

226. And without any risk of communication?
Yes, of course.

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227. Do you think that that regulation is essential to the well-being of the force and its efficiency?
I think it is absolutely necessary.

228. Have you been engaged in your duties in the mountains frequently yourself?
About nine years I have been.

229. Just describe to the Committee the nature of those duties?
We are required to march out with our parties on foot; our men, being all single, live in the barracks, and have their own mess provided for them there, that is, their breakfast, their dinner and their supper. On going into a country which we suspect, we extend our men, and move forward through the mountains and open country. The men direct their attention to anything which may excite their suspicion; they search the ground as they go on with their ramrods.

230. For what purpose?
For the purpose of detecting any barrel that may be down, they generally walk with the gun in one hand, and the ramrod in the other, and they search as they go on slowly. From long habit they frequently observe some very slight trace existing to excite their suspicion, and they thereby discover concealments, either under rocks or bushes, or in ditches, where the smuggler has a concealment for the purpose of making malt.

231. Has the experience which the men have thus gained made them sharp and intelligent in the performance of those somewhat difficult duties?
Very much so; I have been often greatly surprised at the discovery of secret places.

232. Lord *Ponsonby.*] Within the last few years have you discovered a great deal of illicit distillation?
There has been a great deal discovered by my division; not equal to former years.

233. You think it does still exist to a considerable extent?
It does, in certain counties.

234. *Chairman.*] Does the open violence that used to take place, of riotous bands going about the country, exist at the present time?
It does not.

235. That has been completely put down?
So far as giving any opposition to us is concerned, I may say that it has altogether ceased, at least in the country where I am.

236. In the early part of your experience, I presume you must have been cognizant of many attempts made at rescuing spirits or worm-heads or stills that were seized?
Yes; I have heard of a great many, and I have had some experience as to the difficulties of that. I was stationed in the county of Tipperary for some time, and performed a good deal of duty there.

237. Do any of those proceedings take place now?
I have not heard of any, and in my division nothing of the kind has taken place.

238. Therefore, though you are an armed force, you have had no cases of collision; for instance, have you had any necessity for using your fire-arms?
No, not lately.

239. Have you the power of using your fire-arms if the case required it?
The law is very strong in our favour. If we are attacked, we have the power of resisting force by force; and if any person shall be killed, we are to plead the law in our justification; in such a case a verdict of "Not Guilty" would be returned. I may say I was once attacked in the county Tipperary, and had to fire, but fortunately without any loss of life; the people ran away after one of them was wounded.

240. In

240. In what parts of the country do the practices of illicit distillation prevail?

I think the counties of Donegal, Mayo, Sligo and Leitrim, are the chief counties in which it prevails; it partially prevails in other counties.

241. In Tyrone?

In Tyrone partially; also in Galway and Londonderry very partially.

242. As applying the question to any one of those counties, in what parts of the county, that is in relation to the character of the county and the inhabitants of the county, should you look out for the stills?

In the wilder parts of the county. In Donegal, the better parts of the county, which are about Manor Cunningham, I think are freer from illicit distillation than the western and backward parts of the county.

243. Taking those backward parts of the county as compared with the more improved parts, in which district is the greatest amount of population to be found?

The greater amount of population is to be found in the more improved parts.

244. What are the indiciæ, or what are the particular requisites of particular districts, which render them peculiarly available for the purposes of illicit distillation?

A thin population and a retired locality, and facility of water and turf.

245. What is the cost of an illicit still in itself?

A tin still is what they use in Donegal; a tin head, with a copper worm, would probably cost 30 *s.*

246. Therefore, even if you hit upon an illicit distillery, and seized the still, the loss to the party would not be very great?

It would not be very great.

247. Is the still in all cases the property of the distiller?

No.

248. What arrangements are made in order to carry on the trade by persons who are not the owners of the still?

One person is the still-owner; he either uses it himself, or he hires it out to others who wish to make whisky. If the still be seized, he is in some cases the loser. They commonly, of course, borrow from each other; that is the general practice in the country; sometimes the illicit distiller will have a still of his own.

249. Is that still easily moved from one place to another?

Very easily; a man takes it on his back, and runs away with it; and frequently escapes if he has the start of our men, who, however, are very active in following him.

250. They have other implements, coolers or kieves, as they call them?

Barrels.

251. Is a barrel sufficient?

It is all that is required.

252. How do they conceal the barrel?

They conceal the barrels in the ground, either in bogs or ploughed fields.

253. Is the barrel for the purpose of the processes of manufacture in the potale process, or is it for the spirit itself?

It is for the purpose of holding the potale, and a barrel is also used for the worm, in order to cool the spirit.

254. So that it acts at once as a vat for holding the potale, and a cooler for converting the steam into spirit?

Yes; and I may also add, that the barrels lately have been very common, and very easily obtained in the country, from the introduction of American flour; a barrel generally sells in the country I am now in for sixpence.

255. You have stated the cost of a still; what would be the cost of the additional apparatus that is necessary to set up a still?

I should say the whole would be under 2*l.*, that is, the utensils.

 256. What

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256. What is the spirit manufactured from, raw grain or malt, or in what proportions, if mixed?

Generally, in Donegal, it is two parts malt; in other counties, Mayo and Leitrim, it is partially from malt and from oats, or barley unmalted.

257. Can you tell us the proportion of raw grain or malt, or both combined, that would yield a given quantity of spirits?

Twenty-eight stone of barley-malt will, I think, make 10 gallons of illicit spirits; 26 stone of oats unmalted, and eight stone of barley-malt will make the same quantity.

258. Which is generally used?

In Donegal, malt almost exclusively.

259. In other parts of Ireland that you are acquainted with, what grain is used principally?

Oats, malted and unmalted.

260. At what price at the present time would that spirit sell?

About 7*s.* a gallon, I understand, is the current price.

261. The spirit yielded being 10 gallons, and its value 7*s.* a gallon, what would be the value of the grain that would be sufficient to realize in spirit that 3*l.* 10*s.*?

A barrel of malt contains 12 stone, I believe; the price of barley per barrel is about 1*l.* at present; it would be, I think, about 2*l.* 5*s.* altogether.

262. Supposing it was made of oats, what would it be?

I think about 1*l.* 15*s.*, but I am not sure.

263. Viscount *Canning.*] Is that counting the malt that it is necessary to add to the raw grain?

Yes.

264. Lord *Ponsonby.*] And would the spirit obtained from oats sell for the same price as the spirit obtained from malt?

I think not.

265. Viscount *Canning.*] What would be the price of the produce of the raw grain?

I am not sure, as there is nothing of the kind in the county where I am; I suppose it would sell at about 1*s.* a gallon under what malt-spirit would; it generally depends on the desire of the purchaser to obtain it; of course there is no settled price: it all depends upon the smuggler and the purchaser agreeing between themselves as to what they will give.

266. Generally speaking, what would you estimate the materials for the producing that 70*s.* worth of distilled spirits would cost?

About 2*l.* 5*s.* in the one case, and about 1*l.* 15*s.*, I should say, in the other.

267. *Chairman.*] Where they use malt, will you describe how the malt is manufactured, and by whom?

The malt is made generally in an excavation; the illicit maltster forms a place under ground, in which, after steeping the grain for 24 hours, he places it, turning it occasionally until it has germinated to a proper state for drying; it may remain 10 days in the concealment; it is then removed to the kiln, which is a temporary erection generally, formed probably of turf, in a ditch, with sticks, straw or sods of turf placed over, upon which the malt is laid; after being dried, it is removed to the mill to be ground; after grinding, it is mixed with water, called mashing, and then brewed; after brewing, it is, in most cases, left in a state of fermentation, and when the process of distillation is commenced, it is placed in the still, which has been also used for brewing, and then placed on the fire; it runs off what is called singlings; the refuse of the singlings is used for feeding cattle, which is of great use to the smuggler; the singlings are placed again in the still, and it then runs off spirits.

268. Viscount *Canning.*] With regard to those different processes of steeping and drying in the kiln, and grinding and distilling, do they generally take place near the same spot?

They do not always take place in the same spot, but generally in the vicinity.

269. Is

269. Is it not necessary that the grinding should take place in a very different spot from that in the mountains in which the distilling takes place?
They must bring it to a neighbouring mill, the mountain-mills, which are common in the country; they remove it there; in Donegal the practice is to remove it on horse-back.

270. Therefore that part of the process probably takes place in a more civilized district of the county, and more under the eye of the authorities than the other?
It does.

271. *Chairman.*] Do they ever grind the malt in the mountain hand-mills that they call querns?
I have heard of them being used; I never saw them.

272. Are those mills small, out-of-the-way establishments, or do those illicit distillers send to the great millers to have their malt ground?
They send it to the small retired mills; they are small establishments generally, in retired places, and carried on on a much less scale than what your Lordships may have generally seen.

273. Are those mills registered, or are there any means that the Revenue Police possess of knowing where the mills are situated beyond the result of their own observation?
I may say the mills are all registered, for they are fixed establishments, which we have the power of requiring the owner to register; but the kilns are not registered.

274. But are not the kilns required to be registered by law?
All kilns are required by law to be registered; but these are temporary erections, and we are not aware who the owners are; we therefore throw them down where we meet with them, which is done in a few minutes, and probably they will be built up again when the owners require them, and that may be done in a few hours.

275. Those kilns are as simple in themselves as the still you have described as being only worth 30*s.*?
They are merely sods of turf placed round in a circle to a certain height, and they place a hearth underneath for the fire, and there are a few branches of trees or something placed over, and sods placed over that, upon which they lay the malt.

276. Does not the smoke of those operations sometimes afford you a guide in the discovery of the stills?
It does; sometimes we are led by that.

277. Viscount *Canning.*] The mills that you speak of as being smaller than we probably suppose are still near a road of some sort?
They are generally near the roads.

278. And more or less within the patrol of the constabulary?
They are; they are all known to the constabulary, I should say, as well as to ourselves.

279. Is it the practice of the Revenue Police to inspect those mills from time to time, and call the owners to account for any malt that may be found there for grinding?
It is; we have strict orders frequently to visit those mills, and see that nothing illicit is in them.

280. And, generally speaking, are you able, if you find malt in the possession of the miller for grinding, to get a satisfactory account of whose it is, and how it came there?
The law enables us to prosecute the miller unless he declares who the owner is; if he declares the owner, he is thereby exempt; if he do not declare it, we can punish him.

281. Is there anything in that course of examination that might not be as well performed by other officers not so immediately connected with the Excise as yourselves?

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I think it would be quite possible for the constabulary to inspect the mills, probably with greater effect than we do.

282. Why so?

We are, for the most part, employed on peculiar duty in the mountains; and during our absence from station, or from the place where this mill is, the smuggler can avail himself of the opportunity, and can carry his grain to the mill, and have it ground, being aware that our party is employed in a different direction.

283. Whereas if he knew that another party, whose duty it was to be near the spot, from time to time, was not so employed, he would not venture to do so?

He would not venture to do so, because the power of discovery would be so much greater.

284. The same does not apply to drying in the kiln?

I should think it does apply to the drying in the kiln in a great measure.

285. Are the unregistered kilns generally set up in out-of-the-way parts of the county?

In rather out-of-the-way places; but they may be in the neighbourhood of a constabulary station.

286. Assuming that the constabulary police, in the course of their patrolling, came across an unregistered kiln, and which they knew to be unregistered, there would be no reason why they should not destroy it, as well as the Revenue Police?

I think not.

287. Has it been their practice to do so?

No.

288. *Chairman.*] Are you aware of the Act of Parliament that prevents their interfering?

I am in doubt as to that, whether there is any law which prohibits their interfering in illicit distillation: I am not aware there is any prohibitory clause.

289. You are not familiar with the Constabulary Acts?

No, I am not; but then it requires an absolute power to be conferred upon any person, by Act of Parliament, to enable them to seize.

290. Are you not aware there have been two Acts passed which restrain the constabulary upon this subject?

No; I had some conversation with an officer in Dublin, and he told me he had looked over the Acts, and he could not find any prohibitory clause. My impression was there was such a clause.

291. With respect to the sale of those spirits, are there many shebeen houses in the county of Donegal selling without license?

I think there are a good many, and generally throughout Ireland.

292. All over Ireland?

All over Ireland.

293. Do those houses sell licensed spirits or illicit spirits, generally speaking?

Generally, where illicit distillation is going on, they sell illicit spirits.

294. With respect to those illicit houses, are they not very numerous, within your own knowledge and observation?

They are numerous in the county Donegal. I frequently have reason to suspect that certain houses carry on that trade, and I direct my party, when passing by, to search them; but, generally speaking, we do not wish to detain our men too much upon that duty, as it distracts their attention, which ought to be more peculiarly directed to the mountains, and to places where distillation is actually going on.

295. Independently of distracting their attention, would not it also give notice of their approach, and enable the distillers to be on their guard?

It would, and it would detain the party on the road.

296. If those shebeen houses could be effectually suppressed, do you not consider that it would be a very great check to the sale of illicit spirits?

It would, certainly.

297. Is not that a duty that you consider the constabulary force could efficiently and usefully perform?

I think the constabulary force could quite put down the sale of illicit spirits in Ireland.

298. And is it not part of the duty which they are required to perform to look after the illicit sale of spirits, and the keeping of unlicensed houses?

I believe they have such orders; but I think the law does not authorise, at present, the constable, or the person who is in charge of the station, to do so: it authorizes the Sub-Inspector or Chief Constable of Police to do so.

290. But do you consider that it would be quite safe and prudent to give that power to any officer under the rank you have stated?

I think it would. I think if the word "Chief" were left out of the Act, and the law were carried out, as I am sure it would be, by the constabulary, that the shebeen houses would disappear in a very short period.

300. Independently of the benefit that that might produce as regards the more immediate subject of our inquiry, namely, checking the sale of illicit spirits, do you not consider that it would have an effect, generally, in diminishing crime, and promoting the peace of the country?

I think that it would, very much.

301. In the various places where you have been stationed in Ireland, and as the result of your experience, have you had any reason to apprehend that those unlicensed houses are frequently the rendezvous of the worst characters, and the places where crime is planned?

I am sure they are; I have always observed that evil intentions are arranged both in those distillery houses and shebeen houses.

302. Supposing a county to consist of populous parts and of mountainous parts, where would those shebeen houses be for the most part?

I think they are sometimes in the mountainous parts, along the roads; but they are also in the populous parts of the county, probably in a greater degree.

303. Are they not in the little scattered miserable suburbs of the towns and villages?

That is where they are generally found.

304. You have spoken of the duties of your service as being mainly in the mountains; is not the duty of the constabulary rather in the more populous parts of the county?

It is.

305. Therefore, if the shebeen houses are also to be found in the more populous parts, and your special duties are in the less accessible and mountainous parts, would not it follow that those duties, in the suppression of the sale of spirits, must be and ought to be more effectually done by the constabulary than by you?

I think so. I think they could devote more time to suppressing the evil than we can, and that they could do so more effectually than we can.

306. You having stated, in the earlier part of your evidence, that you keep your force separate and apart from the people, and that you consider that to be essential to the execution of your duty; practically speaking, are not the habit and duty of the constabulary of an opposite kind, namely, to mix with the people, to become acquainted with them, and to know their habits and modes of life?

I think so; I have always understood that that was the duty of the constabulary.

307. Would not, therefore, the question of those notorious shebeen houses for the sale of spirits, where people assemble on the Sundays and at other times, come fairly within the cognizance of the constabulary, and give them much better means of acting effectually in the suppression of that illegal act, than would be the case with you?

I think so. I think there can be no doubt that the constabulary would be aware of who the owner of those houses was, and that they could also ascertain

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the names of the persons who frequent those places, and therefore bring all the guilty parties to justice.

308. Now, I have asked you about the sale of the spirits; supposing those stills set up in the mountains, how are the spirits carried away from the place where they are manufactured to the consumer?

The custom in Donegal is for the person who has made the whisky, or one of his family, to remove it into a town upon horseback. Two kegs, each probably containing eight or ten gallons of spirits, are placed in a sack, which is placed upon the horse's back like saddle-bags; he sits upon the sack, and, generally, is armed with a stick; he has a person on foot, somewhat in advance of him, to give notice if there be any obstruction in the way—the Revenue Police, or any person of the kind; and so they go through the country, passing through the small towns.

309. Are those small towns that they pass through frequently towns where there are stations of constabulary?

I may say nearly all; and I have no doubt that it is very offensive to the inhabitants of those towns, to the well-disposed people living in those towns, to see them passing through.

310. Do they come on in a manner to make it perfectly within the cognizance of the inhabitants of those towns that they are conveying spirits?

There can be no doubt upon the question; they are well known, and they come in in a threatening manner, well aware that they are violating the law. They ride in some cases furiously through the town; in others, they pass through walking their horses, with the person still in advance of them. The constabulary, of course, generally see them passing, and, in my opinion, they might put down the evil if they were allowed to stop them, or to call upon them for some explanation.

311. By law, must not a person have a permit for the removal of spirits, if he does it legally?

A permit or certificate.

312. Of course those illicit traders have no such documents to produce?

None.

313. Supposing those persons passing through those towns within reach of the constabulary stations, without employing the constabulary in the slightest degree in still-hunting in the mountains, if they were authorized to stop those persons, and to require the production of a permit or a certificate, or, in default of such production, to seize the spirits, do you not think that that would have a very considerable effect upon the whole system of illicit distillation?

I think it would have a very great effect. It would very materially assist the revenue, and I think, in a moral point of view, and as regards the peace of the country, it would be of great use to employ the constabulary in that way; and it would not, I think, interfere with their more legitimate duties.

314. On the other hand, assuming that those duties would not interfere with the legitimate duties of the constabulary, what would be your opinion with respect to their aiding you in the mountain work and in the still-hunting?

I do not think the constabulary could aid us in the mountains, or in still-hunting, without interfering with the constitution of their force, and, in a great measure, rendering them unequal to their peculiar duties. I may say that the peculiar duty of the constabulary is to keep the peace of the country; and that they are required to attend at petty sessions, quarter sessions, assizes, fairs and markets. They have other duties which engage their attention, and during those times it would be quite in the power of an illicit distiller to work off a still, and afterwards to make his escape with impunity, being fully aware that the constabulary were employed at other places.

315. Have you known cases in which it has been necessary, from peculiar local causes, suddenly to move a considerable force of the constabulary from one county to another?

I am aware of that.

316. Would that stand, in your judgment, in the way of their being relied upon

upon efficiently as a Revenue Police Force, for the actual seizure of stills in the country?

I am fully aware that it would; that the smugglers would avail themselves of their absence, for I have frequently had knowledge of it myself. I have been informed by the smugglers, when I was employed in a temporary way myself, that they would leave off smuggling until I had left the country. I may say I was sent at one time to the county Cork, to Bandon. I saw there several persons who had been illicit distillers; one man in particular carried it on very extensively; he showed me the barrels he had piled up in his barn; and he told me he would not make any illicit whisky until I had left the county, but then, of course, he would carry it on; but he said, "You may be sure I will not attempt it while you are here."

317. Viscount *Canning.*] Do you believe he did not?

I believe not, for the vessels were quite dry, and, in fact, were in a state that I could not seize them; I did not interfere with them; I could not do so.

318. *Chairman.*] In visiting those illicit houses, and in seizing spirits *in transitu*, are you able, with any tolerable accuracy, to distinguish between the illicit spirit and the licensed spirit?

Oh, yes; any one having a knowledge of the two spirits can distinguish between them.

319. The processes are so very different in the manufacture?

I think the principal reason is the use of turf in the one case, and of other materials in the other.

320. *Lord President.*] Which is the best?

Indeed the illicit spirit generally is considered to be the best.

321. *Chairman.*] With respect to information, are you aware of the order that was given during Colonel Brereton's command of your force, by Lord Eliot, then Irish Secretary, with respect to the communication of information from the constabulary?

I recollect the constabulary did receive such an order.

322. Do you think that that species of information, if they gain it, might be fairly communicated to you with the view to the more efficient performance of your own duties?

I think, if the constabulary were allowed to give us information, that it would be most material to us.

323. Ought not proceedings of that description to be made confidential?

Of course, for the purpose of detecting stills, they ought to be confidential; but in other respects I think the constabulary should not wish to conceal the fact of their being required to give information.

324. You are aware the constabulary go on patrol at night as part of their duty?

Yes.

325. And that their patrol is not like a party of yours going out, a strong armed party, capable of defending themselves, but consisting of two individuals at the utmost, to pace the country at night?

Yes.

326. Now, if they were employed for the purpose of getting information, and were recognized in that capacity, do you not consider that their condition, patrolling at night through a country where illicit distillers were numerous, might be very critical and dangerous?

I do not think it would in the least, provided it was generally understood by the people that it was their duty to do it; the Irish people have an extraordinary notion that every man ought to do his duty; but if they were to give information which the people thought it was not their duty to give, they would not forgive them.

327. Viscount *Canning.*] Are they now aware that the constabulary are authorized to give information to the Revenue Police in regard to illicit distillation?

I think the people are of opinion that it is not their duty to do so.

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328. Are they cognizant of this order that was given by Lord Eliot?
No.

329. In fact, do you receive much useful information from the constabulary?
No; and I do not know that it is the duty of the constabulary to give us any information; I have never heard of any order to that effect; I believe it is given to their Inspector-general, to Sir Duncan Macgregor.

330. Lord *Ponsonby.*] Does any information come to you from Sir Duncan Macgregor?
He communicates with our Chief Inspector, Colonel M'Lachlan or Colonel Brereton, and he sends an order to the Lieutenant, my subordinate officer, or to me if it be at my station, directing him to proceed; it is merely an order from him; Colonel Brereton never stated from whom he received it; he merely said, "Sir; On such a day a still was at work in the townland of such a place; you will immediately proceed with your party; you will seize this still, and you will arrest all persons present who may be liable, and bring them before a magistrate, and you will return this paper, stating the result of your exertion, through your Inspector." That is, as far as I can recollect, the manner in which the order was communicated; of course we might suspect where he derived his information from, but we had no knowledge of it.

331. Then the information, in fact, if it reaches you in the manner you state, does not reach you till several days after the matter has become known to the constabulary police of the district?
It does not; it takes some time to go to Dublin to be communicated to our Inspector there, and then to come down to us; probably two or three days may elapse.

332. May not that loss of time make all the difference in your searching with effect?
Of course it does; it nearly renders the information useless.

333. Whereas, if communicated directly from the constabulary of the district to the Revenue Police of the district, the time would be saved, and the proceedings would be more effectual?
It would be most effective; I may say, in some cases, though it was a matter of private arrangement, that this has happened; the constabulary sergeant being probably upon very good terms with our sergeant, may have hinted to him that he had sent forward such a report to his Inspector-general, upon which our Lieutenant would immediately proceed to the place, and then, when the order came down (this, I think, I have known in some cases) from our Chief Inspector, the answer was, "I have already been there, and I have taken the still you refer to, and the persons are now in gaol."

334. And you think, so far as you can judge, that the information, whether given directly or through the head of the constabulary, is not known by the people in general to be given by the constabulary to you?
It is not known.

335. Supposing that order of Lord Eliot's were extended, and that the constabulary were directed to communicate immediately with the Revenue Police of their own district, and supposing such an order were made public, and no attempt made to conceal it, do you think the effect, as regards the feeling of the people towards the constabulary, would be injurious?
I do not think it would; I think if the people were fully aware that the constabulary were obliged to do so, they would not have any ill-feeling towards them.

336. *Chairman.*] Should you carry the views that are expressed in your last answer so far as to think that it would be expedient to have any combined operation, that there should be any power on your part of taking the constables in your inquiries and investigations upon the mountains?
No; I do not think it would be right that we should have any control over the constabulary in that way.

337. Or the constabulary any control over you?
I think not; I think the duties are quite dissimilar, and that the only assist-

ance

ance we should derive from them should be what they could perform consistently with their, I may say, more material duties.

338. Lord *Ponsonby.*] What are your duties generally in the course of the week on the average; how frequently do you generally go out still-hunting?
We are required to go out on four excursions during the week.

339. *Chairman.*] Was not it formerly five?
It was five formerly.

340. Describe those four excursions?
The four excursions are to occupy a period of eight hours each, and the officers are required to commence those excursions frequently at an early hour, or in the night; we find it, latterly, more effective that they should proceed out frequently between the hour of midnight and six in the morning.

341. Lord *Ponsonby.*] If you receive any private information as to any stills being at work, what steps do you take in your patrol; do you merely go on chance over the mountains?
Merely go on chance; the party is aware of the townlands in which illicit distillation is most frequently carried on, and may be also aware of the persons in those townlands who are addicted to it; they go to a particular place, according as the officer wishes to search, and when he comes to the ground, he extends his men in sections, and they then move on, each section consisting of two privates, employing their whole attention to discover anything which may be illicit; if they see the least sign, probably a grain of malt or a trace of grains, they at once signalize the officer, and the party closes, and then commences a regular hunt for the still; the word is given, "Potale must be here;" and the search then commences; the officer, of course, urges his men to discover it; but the men are always very anxious themselves to do so.

342. *Chairman.*] In your district have you any means of ascertaining the quantity of licensed spirit that is produced at the distilleries?
No; there is no licensed distillery in my district.

343. None at all?
None at all.

344. Are there not particular circumstances that, in your long experience, may be referred to as causes either of the increase of illicit distillation, or of its diminution; the state of the harvest, for instance?
Yes, the state of the harvest; but there are various matters which may influence it; a good harvest we generally look at as being productive of illicit distillation; the grain would be cheaper: there are various matters which may influence it.

345. The favourable saving upon turf, has not that the same effect?
It has, in a slight degree.

346. And a very low price of grain?
Of course the price of grain very much influences the traffic.

347. And a high amount of duty?
A high amount of duty will, of course, hold out additional inducements.

348. In what years have you observed the greatest amount of illicit distillation?
Latterly, that is, within these 10 or 12 years, I think; in 1842 and 1843 I think probably there was more.

349. In those cases you have described as giving this impulse to illicit distillation, would not it behove you, in the functions you have to perform, to be more particularly alive to the subject, and more vigilant?
It would; I believe it was at that time Colonel Brereton put on the fifth excursion, as it is called.

350. By fifth excursion, you mean a fifth day's duty in one week?
A fifth day's duty in one week.

351. Do you get respectable young men to enter into your force?
As privates they are much the same class of persons that go into the constabulary.

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352. Have you observed, within the last two or three years, since the emigration has extended so much, and since there has been somewhat of an improvement in the demand for labour, that there is a difficulty in obtaining the same class of persons for the Revenue Police that you formerly had?

I am not sure; I can hardly judge of that; in my district I have very few candidates indeed, probably less than in any other district in Ireland; I do not encourage the people to look to getting into the Revenue Police, because of illicit distillation being carried on very generally. I do not think it is prudent to employ the younger sons of the smugglers. A person who wishes to get into the Revenue Police forwards a memorial to Colonel M'Lachlan, and he adds thereto certificates of clergymen and magistrates; and Colonel M'Lachlan, if he thinks well, refers it to the Inspector there to inquire into his character, and to report his general fitness; his height, and age, and character, and qualifications, and a second examination then takes place by a medical officer attached to one of the regiments; and when he passes the ordeal, he is ordered up to Dublin to the depôt, and instructed in drill; he is then sent out, as vacancies occur, to some station.

353. Do not the inquiries that are made comprehend also an inquiry into the moral character of the man, as well as his physical and intellectual qualifications?

I received most positive instructions from Colonel Brereton, both verbally and frequently by letter, directing me to be most particular, and never to recommend any young man to him who was not distinguished for personal appearance and excellent education, and exemplary character; and, in fact, he heaped a great many instructions of that kind, which it would be very difficult almost to carry out to the letter.

354. Have you had any occasions of dismissing the men in your force?

Occasionally we have; but, I may say, my men I find to be very well conducted; they are all young, single men, and of course they are liable to those vices that young men of their age will be liable to.

355. Is it a rule, then, that they should be single men?

It is.

356. Is that with the view to a greater prudence in regard to not letting information transpire?

I believe that was one of the reasons; formerly they were married men, and they were not confined to the barracks, as they are now, and of course their wives and families became acquainted with the manner in which they were about to be employed; and I understand that their wives and families were frequently in the habit of taking from the country people presents to let them be aware of their movements.

357. Viscount *Canning*.] At present is a man who marries dismissed from the force?

Yes.

358. With any facility or recommendation towards getting other employment, or to take his chance?

The rule is, not to give a character to any man who shall not resign before marriage; we give him a character if he resigns before marriage, provided he has served 2½ years and upwards. I think I had only one man dismissed during the last year; he was a young man; I found him out of quarters at night twice on going to the barrack for the purpose of seeing that the men were in quarters. He was absent, and I suspended him, according to my instructions. He was brought to a Court of Inquiry; he was perfectly sober; and for the first offence he was reduced to a second-class private. I caught him a second time out of quarters; he was tried by a Court of Inquiry, and dismissed. On both occasions he was perfectly sober, but could urge no reason why he was absent; in fact he was visiting some person.

359. *Chairman*.] Before you go out at night, do your officers keep it a secret in which direction they are about to go?

They do; they generally keep it a secret from every person, probably even from

from their own men, the direction in which they are about to go, or the duty they are about to proceed upon.

360. If there was any combination between the constabulary and the Revenue Police for the purposes of effecting seizures and detections, would not those arrangements as to secrecy become much more difficult?

It would be much more difficult, of course; in order to detect illicit distillation, every matter should be kept quite secret.

361. Is not the constabulary force in the county of Donegal particularly small, as compared with other counties?

As compared with other counties, it is small.

362. The Revenue Police, on the contrary, is very considerable?

It is.

363. Therefore any combined action, in that case, would be drawing upon a force already very small, in aid of a force considerably more numerous?

Yes.

364. Would not that be the case, practically speaking, in other parts of Ireland; are not the north of Ireland and the west of Ireland, comparatively speaking, more peaceable than the south?

I think so; I think that I may say that, certainly, the north and, generally speaking, the west of Ireland is more peaceable.

365. And yet it is in the north and in the west that illicit distillation mainly prevails?

It is in the north and in the west.

366. In that case, the difficulty of combined action for any other purposes than those purposes which really concern the constabulary themselves, as much if not more than they concern the Revenue Police, would be more difficult in Connaught and Ulster?

It would be more difficult for the constabulary to aid us in Connaught and in Ulster.

367. Viscount *Canning.*] We have had it represented to the Committee, that the Revenue Police is at a great disadvantage, owing to the distance they have to transport their prisoners, it being necessary that the prisoners convicted of an offence against the Excise should be always lodged in the county gaol; is that an inconvenience felt severely by the force you command?

It is. If there be four persons taken and convicted, there should at least be six police sent in charge of them. From the place I am living at, it would take at least four days for a detachment to go to Lifford, and return, and then, probably, one day to rest; so that nearly the whole week is taken up by that.

368. *Chairman.*] How many constabulary stations may there be between your position and the gaol at Lifford?

There may be five.

369. What is the distance in miles?

Twenty-six Irish miles; at least 32 English miles.

370. Sending them in that way, the men would have to march backwards and forwards 64 English miles; whereas passing from police station to police station, the distance would not be above 12 miles backwards and forwards?

I suppose so.

371. Viscount *Cannina.*] Although the Constabulary Force of Donegal is very small, as compared with the Revenue Police Force, do you, as far as you can judge, think it would be sufficient, without an interference with their general duties, to enable them to relieve you of that labour?

I am afraid not; I would not like to impose it upon the Donegal police as an obligation to do it in every case, but only it they could do it consistently with their other duties.

372. Lord *Ponsonby.*] Supposing a man, at petty sessions, is found guilty of any offence, and sent to the county town for trial; have the police then to take him to that place?

The constabulary are bound to take him to that place.

 373. There

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373. There would be no greater difficulty in taking a Revenue prisoner than an ordinary offender?

There would be no greater difficulty, certainly. Before the organization of the Revenue Police, the constabulary were always in the habit of taking my prisoners, those I convicted, and they never had any objection to do it; in fact, the constable, immediately on the man's conviction, took charge of him as if he was one of his own prisoners.

374. Viscount *Canning.*] When did that practice cease?

I think about the year 1836.

375. Do you know whether there was any reason for its cessation beyond the reorganization of your own force?

I do not know that there was any reason, nor do I think there was any order against it; but the constabulary made a rule, that if they marched our prisoners, we should pay to their reward fund. I believe the constabulary who march get but a very small part of the money; so much per mile it is, I think; I am not sure what it is, but perhaps 3½ *d.* a mile for the distance they have to go, and under those circumstances they will march them.

376. *Chairman.*] That goes to the reward fund?

Yes.

377. Viscount *Canning.*] Do you understand they would be ready to do so now, upon the understanding that you should contribute to their reward fund?

That is my impression, provided we pay them.

378. Lord *Ponsonby.*] Do you think it depends upon the police, and not upon the authorities that gave those directions?

I have never heard of any order preventing it; I am not sure, but I think an order exists that they are to do so provided we pay them; but we were unwilling to pay them, because the amount would come out of the reward given to our own men; it would really carry away all the reward, and therefore we prefer escorting our prisoners ourselves to paying them what, though it may be right, we should consider exoribitant.

379. *Chairman.*] The number of persons imprisoned in the county of Donegal has at times been very considerable?

Very considerable.

380. You know the gaol of Lifford?

Yes.

381. There are about 70 separate cells for confinement there?

Yes.

382. I believe there were at one period at the same time as many as 50 persons imprisoned for offences against the revenue?

I should suppose more, at least that number frequently. Orders came from the Lords of the Treasury for discharging prisoners from gaol; that was certainly very injurious as regards illicit distillation; but I believe the reason assigned was, that the number of persons in gaol rendered it necessary to discharge them.

383. Those cases have been the cases at those times when the illicit distillation prevailed?

Yes.

384. And connected with those causes which you have stated already, tended to give an impulse to illicit distillation?

Yes.

385. Viscount *Canning.*] In answer to the question put to you in relation to the course of your duties in the week, you did not mention the examination of mills and kilns; how often, upon the average, is your force occupied by examinations of that kind?

They do not occupy any particular time, but it is merely this: in going through the county, if they happen to pass a mill, they call in; an officer may pass within a field of it, or one of the section will pass close to the mill, and will

turn in, and look at the hopper, and if he sees nothing, he passes on; it is merely a call.

386. As a general practice, if you pass near a mill or kiln, you go in and examine it?

Always in passing mills or kilns we are directed to be particular to examine them; we never go out of our way to do it.

387. Does it happen that some of the mills and kilns lie in districts through which you do not often pass, and therefore that they frequently escape examination?

Frequently; we very seldom go to a respectable one; we merely go to those coming in our way.

388. Do you think the mills that you would call respectable, are not used for the purpose of drying the malt by the smugglers?

Sometimes they may; I have known malt to be brought to respectable mills and kilns to be ground; probably the owner, who may be a gentleman, would not sanction it; but his mill is in care of a foreman, who has very little care about the matter; and a smuggler coming to him, he runs his risk; if he be caught, he gives up the smuggler, and the miller cannot be fined. Some little time ago malt was found in a mill belonging to Mr. Stewart, of Ards. I wrote, of course, to Mr. Stewart, fully aware that he had nothing to say to it; he directed his miller to afford me every assistance to find out the individual who had sent it to the mill.

389. The employment of the constabulary for that purpose would not be so much in relief of your labour as a more complete and thoroughly carrying out of the law for the protection of the Excise?

It would not relieve us; for we find no trouble in visiting them, and we should still continue to visit them.

390. *Chairman.*] Should you not consider it to be your duty to look after them, though the constabulary were authorized also to look after them?

Yes.

391. Viscount *Canning.*] Mills that do not lie in your ordinary course, you say you are not in the habit of visiting?

No.

392. Whereas the constabulary, probably passing them every day, might visit them?

Yes.

393. *Chairman.*] In the county Donegal the number of constabulary, according to its regular establishment, is 176; you are aware at the present time that the constabulary of that county exceeds that amount?

Yes, the constabulary exceeds that.

394. Do you think, drawing the distinction that you have carefully drawn throughout, that those additional duties could be performed by the constabulary of Donegal at an establishment of 176?

They could not; if there were but 176 constabulary in the county, they could not keep down illicit distillation. I think that the constabulary force could never keep down illicit distillation, constituted as they are, and having the peculiar duties to perform which they must do.

395. But you are aware that, under the law as it now stands, if in the county of Donegal the number of constables exceeds 176, that falls as a local charge?

I believe so. Perhaps I may mention that there is one way by which the illicit distillation could be effectually put down, and that is, if there were an electoral divisional fine placed on the electoral division in which we detected the still. It might be that such fine should be struck by the Board of Guardians upon our certificate, that we so found the still, and the money when collected might be devoted to the purposes of the union. I think that illicit distillation then would altogether disappear, and I do not think any evil would come out of it.

396. Do you remember the time of the still-fines in Ireland?

I have heard of them; but it was the manner in which they were collected, and the manner in which the money was applied, that was injurious.

 397. In

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397. In that case the money was applied for the purposes of the State? To the rewarding of officers.

398. And what you propose is, that it should go for local purposes? For the purposes of the Poor-law Union; in fact, the electoral division, though called upon to pay the whole sum, would derive an advantage in part from that sum.

399. Are you not aware that, from the great facility that exists of transferring a still from one place to another, a still might be removed and placed upon a townland in an electoral division without the possible knowledge of the parties to whom that townland belonged, and that therefore you might, in fact, pass a fine upon the innocent for the act of the guilty? I am sure that would occur; but I would impose the fine where there was only a settled establishment, and the still found at work; and I think the effect would be, that the farmers would at once place themselves against illicit distillation, and that it would altogether cease.

400. Lord *Ponsonby*.] Supposing the constabulary were ordered to suppress it, and the mode you have suggested were adopted, you think the farmers would give information to the constabulary as to where the illicit stills were going on? In the parish in which I reside at the present moment, I was stationed in the year of the distress, in 1846, and the illicit distillation was totally put down by the Priest: I may give him the whole credit of that. I do not think there was a still at work that year: he, in the presence of his congregation, standing at the altar, told them, that if he found out anything of the kind, he would give information to me; and he appointed persons in each townland for the purpose of giving this information: he spoke in the strongest terms to them, requiring them to do so.

401. *Chairman*.] At that period was not there the additional motive to the taking of such a course from the fact that the illicit distillation was a destruction of human food? It arose from that; his object entirely arose from that.

402. Have you observed of late years that the growth of barley is considerably augmented, as compared with oats and wheat? I think so. In Donegal I have not seen any wheat at all: in the neighbourhood in which I am I have never seen it grown.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Wednesday next, at One o'clock.

Die Mercurii, 20° Julii 1853.

LORDS PRESENT:

Earl of Wicklow.	Lord Brodrick.
Viscount Canning.	Lord Stanley of Alderley.
Lord Beaumont.	Lord Monteagle of Brandon.
Lord Ponsonby.	

THE LORD MONTEAGLE of Brandon in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

Golding Bird, Esq.

20th July 1853

GOLDING BIRD, Esquire, is called in, and examined as follows:

403. *Chairman.*] WHAT office do you at present fill?
Collector of Inland Revenue for the collection of Londonderry.

404. How long have you filled the office of collector?
Upwards of 11 years.

405. Having risen through other grades of the service?
From the lowest step to the one I now hold; I was employed on inspection about three months in Cork and that neighbourhood.

406. In the execution of your other duties previously to your appointment as collector, what counties or districts have you been acquainted with?
I was employed chiefly in London; I was the Surveying General Examiner for the whole of London before the change took place.

407. I wish you to confine yourself entirely to Ireland?
The whole of my time may be called in Ireland, 11½ years.

408. In what counties during those 11½ years were you?
First in Kilkenny, and it embraced a great portion of it, and the Queen's County, and just on the borders of Tipperary.

409. What other counties can you speak to?
A great portion, nearly all Galway and Mayo, by commencing at Tuam and Ballinrobe, and Westport, Killala, Ballina, Foxford, Claremorris, then Oranmore and Gort, Ballinasloe, Portumna, Mount Bellew, Mountmelick and Mountrath, Loughrea, and all the little intermediate towns passing through, come within my notice as far as collecting the inland duties.

410. What other counties besides those have you been connected with?
Take Derry; part of Londonderry, part of Tyrone, part of Fermanagh; a very large portion of Donegal, including those famous mountains of Inishowen, up to Malin-head, Movill, Carnadamna, commonly called Carn near Malin, Buncrana, Rathmetton, Rathmullen, Letterkenny, Stranorla; and then we come down to Raphoe, through Manor Cunningham and Newtown Cunningham, and I work into Derry Stake, in the coast from Carrigart, to the most northern part of Donegal; anything that is done there, comes under my notice.

411. Is there any other county with which you are well acquainted?
No, I think not; that is all I touch upon.

412. Now, limiting my question to those counties that you know, are they

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divisible into two classes, the counties in which illicit distillation is more or less prevalent, and the counties in which it prevails but little?

Inishowen is the most notorious, and a place called Skerreen, just beyond Gortin. There are some mountains there that used to be rather famous, but there is very little done there; and then those mountains beyond Newtown Stewart, in Tyrone, I have had two or three seizures made in that neighbourhood.

413. Is Mayo one of the counties in which illicit distillation is prevalent?

I never found it was very prevalent there; it was once considered a notorious place, particularly in the bogs and edges of the mountains, and any secluded spot; if ever a still was found, it was generally in such places as those, but not often.

414. It appears in the Returns showing the number of persons imprisoned on the 5th of April of successive years, that there were a considerable number imprisoned in the gaol of Castlebar?

That is the principal receptacle for them for the whole of the county. The number of persons taken as distillers, are not to be considered illicit distillers. It is thus: a still is in nine cases out of ten the property of one person, or two at most; the rest are what they term friends, ready upon surprise to run away with the articles; they all have their particular duties; one is to run away with the worm, where he knows to bury it; others with the still; but, being of very little value, they do not care so much about that, as the spirits and the worm are the principal value to them.

415. If you view the criminal returns for a series of consecutive years, do not the number of commitments in certain places, and convictions for distillery offences, furnish one of the indiciæ of the prevalence of illicit distillation?

I have come to the conclusion, that illicit distillation has fallen off so considerably of late years, that it is not at all material either to the revenue or to the fair trader; it affects them very little; and, as a proof of my opinion, I have taken great pains to ascertain the movements of the legitimate distiller, to see how his trade progresses, and I find during the last two-and-a-half years, confining myself to Derry (it is roundly we make up accounts, eight of them in the year), there has been a gradual and steady increase of the duty.

416. That is a gradual increase of the duty received?

The legitimate duty.

417. And, consequently, the rate of duty having been invariably within that period the same, there having been no variations in it since 1843, the amount of duty represents a proportionate increase of the number of gallons of spirits brought to charge?

It does.

418. In your judgment, as a general principle, do the fluctuations in the amount of spirits brought to charge during a series of years furnish an exponent of the probable amount of illicit distillation; namely, where the spirits brought to charge by the licensed distiller augment, would the Committee be justified in assuming that there was a probable diminution of illicit distillation; and when the quantities of licensed spirits fall off, is it a fair presumption that the illicit distillation is augmenting?

I think it is a very fair presumption; for I am quite of opinion that the illicit distillation has fallen off, in consequence not only of the great emigration that has taken place of so many persons, who would, when corn was at a low price, venture part of their little produce in converting it into malt, and ultimately into spirits, that bore them a better profit, but because those left behind who are disposed to illicit distillation are so crippled, not having even the means of emigration, that they have not the means of carrying on private distillation to any profit.

419. Viscount *Canning*.] Might not it be inferred that the increase of emigration, and consequent diminution of the population, would have also the effect of reducing the amount of spirits brought to charge?

I think not, for this reason, the people have now taken a liking to legitimate spirits; for really poteen, that was once so great a favourite in the public-houses and shebeen-houses, that were once so numerous, are really little known now.

These

These last two years I have taken a great deal of pains, having heard so much about shebeen-houses, to make private inquiries, and also made all the officers under me visit them occasionally, and at uncertain times, and particularly where suspicion attaches, and I have not had an instance but one where they have detected poteen, that is, illicit spirits; but they have seen a small quantity of spirit, which they call Parliament whisky, that is, licensed whisky, and those houses are called houses of entertainment; and any one running through Ireland will see at the end of almost every town small houses with those boards of entertainment, and so forth, over their doors; itinerant dealers and beggars go to those places, and there they have trifling quantities of spirits; and the owner of such a house goes, in eight cases out of ten, to the licensed publican for the small quantity of spirits which is doled out, and at a little profit, of course; thereby the only injury done to the revenue is evading the license duty for selling spirits. I spoke on this subject to a publican, and I asked him whether it did not injure him; he said, "No, on the contrary; for they entertain such characters as we would not like to take into our house, and they come to us for spirits."

420. May we understand that any diminution in the consumption of licensed spirits that may have been caused by the diminution in the population is compensated by other causes, which lead the population now to prefer licensed whisky to unlicensed whisky?

There is no diminution.

421. Earl of *Wicklow.*] When you speak of the altered taste of the people with regard to spirits, and their preference for licensed spirits over the poteen, do you in any manner attribute that to the alteration in the mode of making the licensed spirits from what it was formerly, when they paid a duty upon the quantity they could make in the shortest time?

I do not consider there is any difference in the quality of the article made legitimately, because they work at about the same gravity as they used to work years ago, and produce the same description of spirits; and every distiller is very anxious to retain his own particular flavour of spirits; for instance, the Bush-mill has a peculiar flavour; that comes nearer to what is termed poteen than any spirits made in Ireland. There would be a little difficulty where a sample of good poteen was placed and a sample of Bush-mill placed before a gentleman; however good a judge he might be, he would pause before giving a decided opinion.

422. Viscount *Canning.*] Will you explain how it is that, notwithstanding the great diminution in the population of Ireland within the last few years, the consumption of legal spirits has not diminished in that proportion, but has increased?

It has spread: the people now drink in preference, in my opinion, the legitimate whisky to the poteen; and there is one great point, they can purchase the legitimate whisky cheaper than they can poteen.

423. Earl of *Wicklow.*] Do you attribute it in any degree to a relaxation with respect to the pledge which they had taken formerly?

That operated very strongly against the licensed distillers at first; but as to the pledge, it is a difficult thing even to find such a case in existence among any of them now; it has become what I may term a dead letter.

424. Do you not, then, attribute, in some degree, the increase in the consumption of spirits to that fact?

No doubt the forgetting of that pledge, and the return to their former habits, has partly that effect; but, at the same time, there is not that appearance of drunkenness throughout the country that there was formerly.

425. *Chairman.*] Now, looking at the Return which has been laid before the Committee, it appears that there has been a pretty steady increase in the amount of gallons brought to charge, and, consequently, in the amount of duty received since the year 1843; namely, in the year 1843, the gallons brought to charge were 5,546,000; in 1844, 6,451,000; in 1845, 7,605,000; in 1846, 7,952,000; in 1847, 6,037,000; in 1848, 7,072,000; and in the year 1852, the year ending January 1853, the duty-paid spirits amounted to 8,208,000 gallons, producing a revenue of 1,094,000*l.*, which is a larger amount of revenue than has

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has been produced since the year 1839. Now, during that time has there not been, in the districts to which you have adverted, a very considerable diminution in the population?

There has been a diminution of population throughout Ireland, but more particularly of late years.

426. But in those mountain districts?

The depopulation of the country is very great; at the time of the famine and disease I happened to be in Connemara. I was speaking to one of the priests, and he said, in a certain townland of about 300 or 400 persons, there were not above 30 or 40 of them left. I was there at the time, and have seen them lying dead on the road.

427. In other cases, viewing the question as a whole, though there may not have been a reduction of population to that extent, is there not over the fall of the country where you are now placed as collector, a considerable reduction of the number of people?

A considerable reduction.

428. Concurrently with that reduction of numbers there appears to have been an increased quantity of spirits brought to charge, and an increased amount of revenue received; that is the case, is not it?

That is the case.

429. Do you think that those facts, namely, an increased consumption going on concurrently with a diminution of population, lead justly to the inference that illicit distillation has been diminished within that district?

Certainly.

430. You have no doubt about that?

Not the least doubt whatever; and that is proved even in Derry, by the two, not very large, distillers we have there. Here is a paper, showing for two-and-a-half years the workings of those two distilleries and warehoused spirits. There is an increase of 7,698 *l.* some odd shillings in the first year, the year ending 1852, from April the 5th, compared with the corresponding year, the previous year. Then the next year, 1853, with the corresponding year—in 1852 there is an increase; and the increase of 1853 over that of 1852 amounts to 14,759 *l.*

431. When you say 1853, you mean the year ending January 1853?

Yes.

432. Is the year 1853 the largest amount that you have between 1843 and 1853, say those 10 years?

The largest amount that I have. Then for the half-year ending the 5th of July, as compared with the half-year ending the 5th of July 1852, it shows an increase of 6,929, so that in two years and a half the duty has increased upon the previous two years and a half 29,280 *l.*

433. Give us the money amount in both cases?

The first two-and-half years would be 105,700*l.*: the second two-and-a-half years would be 135,000*l.*

434. I asked you whether there were particular districts in which the illicit distillation mainly has prevailed. What are the causes which, in your judgment, distinguish those districts from districts in which the practice has not arisen?

The mountains round the place called Skerreen, in Tyrone, just above Gortin, and the Ennishowen mountains, affording such favourite spots, near running streams and bogs, and many secluded spots and little glens; these are the spots which distillers choose to erect their stills, &c.

435. What are the motives for the selection?

To avoid detection, and keep as secret as possible from the Revenue Police, or from any person seeing them.

436. In the lower lands, where fuel may be more scarce, and where the facilities of access are greater, does illicit distillation prevail?

Oh, no; the spots chosen are those most secluded, and affording the advantages of fuel and water at hand.

437. Earl of *Wicklow.*] But the revenue officers in those districts are well aware of those particular localities, are they not?

They are well aware of the localities, and they make very frequent excursions over the country, and that is a great cause why the illicit distiller cannot go on successfully with his practices.

438. *Chairman.*] Have you been able, in your capacity as collector of revenue, to form a judgment with what degree of efficiency and correctness the duties of the Revenue Police are performed?

They perform them with very great credit and exactness, and they are, I may say, untiring in their exertions to put down illicit distillation; certainly reward is before their eyes, which, of course, makes them more anxious than otherwise; but, taking them as a whole, they do their duty efficiently.

439. Have you known instances of collisions between them and the country people, and riot, confusion, or loss of life?

Not of my own knowledge, I cannot speak; but I have heard such things years ago; but at present there is nothing of the sort witnessed there: when taken, the distillers say, "You are doing your duty; be civil, and we will go quietly." I have arrived at some little information from having conversed with the private distillers themselves when in prison; I have examined them separately, merely to see how their accounts would dove-tail; I have taken one of them at a time, and I have arrived at the conclusion, that they would never think at all of resisting a body of police interfering with them.

440. *Chairman.*] Are the Committee to understand that, in your judgment, the Revenue Police of Ireland have obtained a considerable control over the people, and have won the confidence even of the people whom they so control?

So much so, that I believe they have been the main cause of reducing illicit distillation to its present low ebb, and I do not believe that the people have the least ill-feeling against them; but only at the time they say, "We wish you had not come near us," and quietly submit. I never saw a more quiet set of people than the low Irish are if you treat them accordingly; they are naturally kind, and you may lead them; but you must not attempt to drive them, particularly a body of them.

441. Viscount *Canning.*] Does that apply to cases in which the body of Revenue Police is inferior in strength to the body of smugglers?

I have never known that occur, where the body of smugglers have been beyond the body of police; the Police generally go in parties of eight or ten, or more, together, and I only know of one instance of 13 persons being found in one distillery.

442. *Chairman.*] And they are probably unarmed, whilst the Revenue Police are armed and disciplined?

The Revenue Police go armed, and the very appearance of their uniform is enough to alarm the smugglers.

443. Viscount *Canning.*] In fact, if the smugglers did not yield so readily, no doubt that force would compel them to yield?

Yes; but I never knew force resorted to of late years; but the smugglers give up very quietly; the 13 persons I spoke of, immediately gave themselves up; some were lads, perhaps mere lookers on; there will be always idlers looking on; they go to get what they call a drop of the first shot, and then they are ready to shoot off with everything if surprised.

444. Earl of *Wicklow.*] When you say the officers act under the desire of obtaining a reward, to what reward do you allude?

The Revenue Police are rewarded for every prisoner two guineas; the Treasury allow that for every prisoner they take.

445. What are they allowed for every still they discover?

According to the value of the property seized after the expenses have been deducted.

446. In fact the Revenue Police force have not only their regular pay, but they have a reward, which they obtain upon any discovery they may make?

Upon each prisoner being taken.

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447. Lord *Brodrick.*] Head-money?

It may be called head-money; but it is not always paid; perhaps there may be little boys taken up, and the Revenue Police may call them prisoners; the Board would not give two guineas; they would first inquire into the facts whether as to adults or persons arrested, and also into the merits of arrests, and would reward the police party with the two guineas for the prisoner accordingly.

448. Earl of *Wicklow.*] For each prisoner?

If they deserved it.

449. So that if they had taken those 13 to whom you have alluded, they would have had 26 guineas?

Exactly so, if the Board considered they were entitled to them: boys of under 14 years of age they would think it was not difficult to take them, and perhaps would not grant the two guineas.

450. Is the preparation of illicit malt generally carried on in the same districts and by the same people who afterwards proceed with the manufacture of the spirit itself?

The system generally pursued is this: they fix up a small kiln, merely a few stones, so that they can light a fire under it; they will put a stretcher, composed of branches of trees or bushes, upon it, and a little straw, and upon which put the corn upon the kiln, having first steeped the grain; the kiln will in some cases be half a mile distant from the place where they carry on their distilling operations. The time taken for fermentation, and so on, will occupy about three days; that will include the fermentation and distilling for a 40 gallons still; they work it off in two hours, what they call the singles, that is, the first or impure spirit; they return it again, and then it is called the doublings, or poteen; altogether, taking the first working and the second working, and getting it into casks, it occupies about four hours.

451. *Chairman.*] Do you consider there are cases in which they obtain their malt from the licensed maltsters, or is the malt that they consume in illicit distillation mainly produced by themselves?

That would depend upon the season of the year: at present, when they are short of corn in those mountainous districts, they will go to the maltsters, or sellers of malt, and purchase a small quantity of malt; they do not use much legitimate malt; they want it merely to mix with their raw grain, to open it, and get a better extract: all malt has a property of bursting; it forces open the grain, which would otherwise close together in lumps, and they would lose part of the extract: in the season of the year when there is no corn, they will go to the malt-dealers or the maltsters and buy; the quantity is very small; they generally use oatmeal, if possible, and in winter they prefer doing their own malting, for this reason, they get it so much cheaper; their mode of malting requires so little expense, and so little pains in making it, that it does very well for their spirits, and it comes much cheaper, perhaps by one-third.

452. Now, have you ever been able to estimate the cost at which (assuming a given price for corn) the spirit is produced by illicit distillation?

I have: the cost of malting oatmeal to produce 14 gallons of spirits, which, if I may use the term of the smuggler, will bear one to three, that is to say, when they ascertain the strength for consumption, it is in this way: they pour it from a jug into a vessel held very low, and they calculate the bubble, how long the bubble remains, and they can calculate so nicely, that they will reduce or bring it down; one glass of water will do very well for three of spirits, or one gallon of water to three gallons of spirits; that is commonly called one to three. Then it is fit for the market, and, as near as I can calculate, I have tried the strength of a great many samples; I have never found it more than three or four per cent. over hydrometer proof; whereas the legitimate distiller is 25 per cent.

453. Will you be so good as just to read the account consecutively, and then you can turn back, and make any observations upon it?

Cost of grain 4*l.* 2*s.* 6*d.*

454. But what quantity of grain represents the 4*l.* 2*s.* 6*d.*?

Forty

Forty stone of grain; the hire of the still is 1*s.* 6*d.*, and the fuel 6*d.*, and 1*s.* 6*d.* for yeast, commonly called barm; that will make 4*l.* 6*s.*; the spirit produced receiving water amounts to about 17 gallons: this was all sold at 7*s.* per gallon; this brought 5*l.* 19*s.*; then, adding the value of the refuse, potale and the grains, which they want for their cattle, may be calculated at 12*s.*, making 6*l.* 11*s.* altogether; then deducting the outlay, there would be about two guineas profit, or a little over. This spirit, which fetched 7*s.* per gallon in this particular case, was not to go to a public-house at all, nor to a shebeen-house.

455. Where was it to go?
To a gentleman's house.

456. Earl of *Wicklow.*] Would the gentleman give more for it than the shebeen proprietor?
They will give more for poteen than the best legitimate whisky. I know in Ireland there is a sort of fancy gentlemen have, viz., a sort of pride, in saying, "I will give you a drop of the mountain dew;" the very name of it is enough; but a more impure spirit cannot be drank, because the essential oils are in it.

457. *Chairman.*] Do they not sometimes make use of sulphuric acid, or what they term vitriol?
Green vitriol or sulphate of iron is occasionally used by the publicans; such practice obtains in London mostly, and in the making of gin more particularly; its presence is at once detected by the action of tincture of galls, or other chemical reagent containing tannin.

458. Then, having given us this estimate of the price at which the poteen whisky may be sold, can you tell us what, under similar circumstances, the price of the licensed whisky would be?
The distillers would sell in the trade at nearly 6*s.* per gallon, it being understood, that among most of the legitimate distillers there is often much competition and jealousy—one will, if possible, privately undersell another—and that they seldom or ever agree. On that head, therefore, we can only take the average, viz., about 5*s.* 10*d.* to 6*s.* a gallon: it may always be bought cheaper than poteen.

459. Lord *Stanley* of Alderley.] And it is a much stronger spirit?
Yes.

460. As much as between 25 and 3 per cent.?
Yes; it is very seldom 3 per cent. over, and sometimes it is 8 or 10 per cent. under proof.

461. *Chairman.*] Then the cheaper price at which the legitimate distiller can produce his spirit, gives him a better chance in the market in competition with the illicit distiller?
That would apply to a supposed public sale in both cases; but it is amongst private persons the illicit distiller can get his own price, or nearly so, at any time.

462. Earl of *Wicklow.*] When you stated that he sold it at 7*s.* to the private gentleman, do you mean to assert that that is the usual average price of poteen?
No, not so high as that. I have known it as low as 6*s.*, and perhaps 5*s.* 10*d.*; but then the result would be the same to them as if they had sold it much higher, because they take care to water it so well, that they can afford to sell it low; but, taken at the fair average standard, it is not lower.

463. Lord *Stanley* of Alderley.] If this whisky is purchased for the shebeen-houses or public-houses, what price would they give to the distiller?
About 6*s.* a gallon.

464. What motive would the public-house or shebeen-house keeper have to buy the poteen in preference to the licensed whisky?
I cannot see, unless it may be that many people who are fond of going to the public-houses would like to have some spirits with what they call the Bush-mill flavour; but it is very seldom the publicans take the illicit spirit at all. have this last year had cases under my direction where the supervisors under me

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me inspected the houses, and took with them their instruments, to ascertain the strength and quality of the spirit, and I think in upwards of 700 cases they have not met with one instance of illicit spirits being found. And with the ignorant people the very appearance of the hydrometer causes them to fancy that if there is a drop of poteen present, it will be found out; and one man made this remark, "It will not do; this will tell directly;" so that the very instrument has a good effect upon the minds of such people.

465. Then Mr. Sykes's hydrometer helps the exciseman in the discharge of his duty?

Yes, in ascertaining the strength of spirits.

466. Does the difficulty in distinguishing the one spirit from the other arise from the circumstance you have adverted to in the early part of your evidence, namely, the establishment of such distilleries as those at Bush-mills, where the object is to assimilate as closely as possible the spirit produced in the licensed distillery to the flavour and character of the poteen?

The flavour and character come near to that made at Bush-mills; but still there is a difference, and a competent judge would still be able to distinguish the one from the other. The spirit is devoid of impurity at the Bush-mills, and there is something that is pleasing in it to the palate of those who drink it, whilst the illicit distiller would not produce so good a flavour.

467. Earl of *Wicklow.*] Do they in Bush-mills distillery use turf or coal?

I have never surveyed the distillery myself. I have merely had the spirit; but as regards the flavour of that spirit, I believe that it is partly communicated by the means used in drying the malt; for malt is so susceptible of change by the smoke, or any matter that may be introduced as particular fuel, and the spirit imbibes to some extent the flavour produced by the smoke of the burning fuel—a flavour which it always retains.

468. *Chairman.*] Are you able to inform the Committee whether any considerable increase or reduction in the price of grain has the effect of either increasing or diminishing the tendency to illicit distillation in your district?

Any material reduction in the price of grain I hesitate not to say would give encouragement to the illicit distiller, because he would say, "I can get a greater profit by converting my grain into spirits, and as to the risk, I care very very little about; it may be two or three months at the utmost," meaning imprisonment for that term, "and we will try it."

469. Lord *Stanley* of Alderley.] As the price of grain by the last few years has been considerably lower than it was previously, do you think the amount of illicit distillation has increased in proportion?

I understand grain has got up very much, and has not been cheaper during the last year.

470. I am speaking previously to the last six months?

The price previously to the last six months was not considered so remunerative a price as at present.

471. *Chairman.*] Taking the Returns that are before me, there has been a very considerable reduction in the price of grain during the interval of time to which your evidence is applied, particularly in the case of barley, the price of which has been very considerably reduced in that interval, and the price of oats too. To what do you attribute the fact of the increased quantity of licensed spirit brought to charge, even though the price of grain has diminished?

I have not understood the price of grain has diminished; on the contrary, the price of grain has been gradually getting up. When I first came to this country in 1842, I could buy at 6 *s.* a barrel, and I could not get it now for nearly double that money.

472. Earl of *Wicklow.*] Do you mean at this moment?

It has never been so cheap as in 1842.

473. You have referred to two periods of two-and-a-half years each?

Yes.

474. With regard to those two points, do you not believe the price of grain has been less in the latter of those periods than in the former?

I understand quite the contrary.

475. *Chairman.*]

475. *Chairman.*] Would the prices in the market of Derry answer pretty nearly to prices throughout the country?
I think they would, making a fair allowance for the cost of transmission.

476. Is not the grain that is used mainly oats?
Generally oats; some barley and bere or bigg, that comes in very early.

477. The grain which is grown, both bere and oats, is very frequently grown in the immediate vicinity of those mountain districts, or within them, where the illicit distillation prevails?
That is where you see it, certainly; you can see between the mountains little patches of oats and barley; and I have remarked, in going along with my staff, "There is very likely a secluded spot near here; the corn will be soon fit to cut, and private distillation may be looked for."

478. Before proceeding to distil, they must grind; how is the grinding process carried on?
They have what are called querns.

479. Two horizontal stones, one of which is moved by the hand?
Yes; the grinding for distilling purposes is merely a crushing.

480. Have you known many instances in which the illicit distillers have conveyed their grain or malt to the ordinary mills of the country to get it ground for the purposes of distillation?
Oh, yes; but I have never known an instance of a respectable owner of a mill or kiln allowing anything of the sort; it would be only some poor creature who had got a place you may call a mill or a kiln; any person looking at it would not suppose it was either.

481. But are the mills in the country parts used by the distiller in proximity to his still, and in the neighbourhood which you have described as being remote, and difficult of access?
My opinion generally is, it is taken to distant mills and kilns; but those are occasionally used for such a purpose, particularly in those secluded spots, the people knowing well, that if an officer of Excise went to that mill in one of those very secluded spots, though his duty would compel him to go there, he dare not touch one grain of that malt if he saw it, because he would consider his life would probably be the forfeit.

482. Have any modes occurred to you, in your experience, by which the efficiency of the Revenue Police could be made greater for the purpose of the suppression of illicit distillation?
I think if they have the assistance, to a certain extent, of the constabulary, it would afford them a greater opportunity of paying closer attention to the actual still-hunting; the latter is a department which I would always leave the Revenue Police to work out. They should visit mountain districts, bogs, and all secluded spots, dells and dales, and every such place; and I think the greatest thing you could do to annihilate the illicit distiller would be to give an opportunity to the constabulary, by affording them commissions, to allow them to intercept carts of spirits on the road, just to inspect the permits; that would not occupy more than five or six minutes, and also as against persons carrying spirits, that they might find in their usual beats; they have such a local knowledge as no other body in Ireland can possess, and if they have fair reason to suspect something going wrong, they should see to it. I would not wish the constabulary to lose their time in watching such matters; but I would have immediate communication made by the constabulary to the chief officer of the nearest Revenue Police, or if the Excise officer was nearer, they should communicate to him; but if the constabulary saw illicit work going on, either malting or distilling, I would authorize them immediately to detect or destroy it, but I would not have them go out of the way of ordinary duties, not to mix themselves up with the duties of the Revenue Police beyond what I have now stated.

483. You are acquainted with the Revenue Police; supposing the Revenue Police, in place of being taken on duty in the strong parties you have described, were employed as separate patrols of one or two men each, passing through the country at night, do you think it would be very safe on their part to seize or destroy

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destroy any illicit spirit which they found in process of manufacture, or to disturb the manufacturer?

It would entirely depend upon the locality in which they saw the transaction going on; if upon a fair and open road, I should not hesitate at all myself, had I but one or two with me to make the detection and arrest of persons; but if I found illicit distillation or malting going on in some secluded spot, far away from any house or assistance, I should be very sorry to make the attempt; because I should think, if it were not actually foolhardy, it would be very near it: I should be quite confident that I could not effect my purpose, and it would be ridiculous to try it.

484. Have you Excise officers under your command in your connection, gaugers and supervisors, and persons of that description?

Yes.

485. Do you think if two of those gentlemen were going about the country, and detected an illicit still, it would be very safe for them to seize and destroy it?

I am quite confident if they saw three or four of the smugglers about, they would rather turn their backs upon them than interfere; they know they would have little chance against broken heads.

486. Therefore is it to the strength, discipline and organization of the armed police force that you refer the secret of their success?

Yes; the smugglers will generally quietly yield to force, if they see sufficient of it.

487. Are you not aware that it is the duty of the constabulary force to go on patrol by twos or threes?

In threes, I think, well armed.

488. At the utmost three, but most frequently two?

Yes.

489. Are you aware that with regard to the constabulary force now established by law, the regular complement in the county of Donegal is about 176?

Yes.

490. Do you know what the number of Revenue Police is?

I do not know exactly; but I know we have a greater sprinkling just in those districts than lower down.

491. If those 176 constables constitute the regular establishment of the constabulary in the county of Donegal, and they were to be employed upon revenue duties, is it your judgment that it would be possible for them to discharge their ordinary duties for the preservation of the public peace?

I really think by extending that system as far as I say, and no farther, that they could do it without any inconvenience to their ordinary duties.

492. Do you comprehend in that, giving to a force so scattered, and acting in such small numbers, the duties and responsibilities of seizing smugglers, destroying the implements of smuggling, and carrying away what they find?

I have confined the observation to their particular roads, that is, the highways; but as far as byways are concerned, I leave them to our Revenue Police; but I really think where they meet on their regular beats anything of that sort, it could be done so very quietly, and deposited at the barracks without any trouble, that they could be equally as much used for the protection of life and property, and the public peace and order, as they could without it.

493. Do you consider that 176 men, which is the establishment for the county of Donegal, would be sufficient to preserve the peace of the county, if they were charged with those revenue duties?

I think it would mainly depend upon the state of the country; for unfortunately now in some parts of Donegal, particularly about Stranorlar and that neighbourhood, there is a strong Ribbon party, and the attention of the constabulary is necessarily directed very closely to such parties; therefore, perhaps, their duties are more arduous; but, as a set-off, the force has been so materially increased; that I think with the augmented force they might take this additional duty, not at all preventing them from going on with their additional duties.

494. You

494. You are aware that the 176 have been found so unequal, even for the administration of their ordinary duties, that there is an increased number now required and stationed in the county of Donegal?

There is an increased force; but whether required, I would not say; but I would only say this, there have been no disturbances, there has been nothing at all to create alarm in the minds of the people—very little indeed; and I think the chief cause of the increase of the constabulary force is in consequence of a Priest making a mistake, by saying he was shot, when he was not, and they brought a large body of constabulary to the neighbourhood.

495. You are aware that no increase in the ordinary establishment can by law take place unless the Lord Lieutenant of Ireland is of opinion that the ordinary establishment is insufficient for the purpose?

Yes, in particular cases: this is a particular case; but I am perfectly aware that it is made quite a joke of.

496. What is made a joke of?

Having this additional force because of this drunken Priest, and that is the whole history of it.

497. If in the judgment of the Lord Lieutenant the present Parliamentary establishment of constables was found inadequate to its ordinary duties, and a larger force was added to the county of Donegal, how would it be possible the present force should discharge their ordinary and also increased duties?

If it were absolutely necessary, as represented to the Lord Lieutenant, to have a greater force, that would show that the present force would be inadequate to their own duties, much less to taking any extra duty; but if, upon the representation of a matter of that sort, it was said to be necessary to have more men stationed there, it would give such an addition of strength to the previous force, that they could then take this extra duty, and not be at all retarded in the discharge of their ordinary duties.

498. Are you aware that whilst the expense of the regular establishment is defrayed from the Consolidated Fund, the extra force is chargeable partly upon the local rates?

I only know it by the grumblings of the parties who pay it.

499. Then, if an extra force were made necassary by reason of the new revenue duties which you suggest might be cast upon the constabulary, would not that, in point of fact, constitute as a local charge the collection of Her Majesty's revenue?

As to the additional duty given to the constabulary, I do not see that it would make any extra charge upon the revenue; the parties themselves would be remunerated for their services according to the value of the detections; no increased pay would be given to either one body or the other.

500. But if the number were increased, and the force, which is 176 in the county of Donegal, were rendered necessary to be augmented to double that number, would not the increase of number, even without an alteration of the pay, become an increased local charge?

Yes, undoubtedly.

501. Lord *Stanley* of Alderley.] Have you not already stated, that your opinion is, that under ordinary circumstances the same number of police would be sufficient, and that the additional duties thrown upon them in the way you suggest would not require an increase of force?

I think I have stated so; but I said it would depend upon the state of the country; the country being quiet, it would do well; but in disturbed districts, upon representation to the Lord Lieutenant, he could send down an extra force.

502. But those temporary causes that may require that additional number of police are entirely irrespective of any question of the employment of the constabulary in the detection of illicit distillation?

I am quite of opinion that the present force, as I before said, where quietness is known to exist, could easily, without any detriment to them, take this additional duty; it must be understood that it is not so great as might be supposed probably the examining of the permits in the transit of spirits may occur once

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in a fortnight, or once in a week; at most it could not take more than a very few minutes; and the permits themselves are so expressive and so clear; and, as I find, by the Regulations, that no man is admitted into the constabulary unless he can read pretty well, he can immediately see, if he do not understand strength and quality, as the permit expresses, that the spirits come from A. B., and are going to C. D., 20 miles off, and it was allowed three or four hours to get to its destination; and if it be found that it ought to have been at its destination the day, or several hours before, it is fair to presume he would make a seizure.

503. *Chairman.*] But, passing from the simple question you have put, of examining spirits *in transitu*, and ascertaining whether they are accompanied by a permit, and limiting my question exclusively to the recommendation which you have just given of employing the constables in seizing and destroying stills, potale and the grain, that might be found, do you think that such duty could be performed consistently with the personal safety of the constabulary force?

The constabulary force could do it with safety, I think, because I have said they would be on their regular beats; I would not have a constabulary man go off his beat but a very short distance; he should never watch or follow up in the still-hunting line at all, but he might destroy anything he saw; he might with great safety do that; I have destroyed many a still myself in dangerous localities without the least fear of interruption.

504. Do you think the Revenue Police force would be as competent as it is but for the system of rewards you have described?

The hope of reward sweetens labour; and I really think with a reward before his eyes, if a man saw a smoke five or six miles off, and he had done as much duty as the nature of his instructions required, he would be tempted to follow it up.

505. Then, do you think that the employment of the constabulary as you recommend would be effective unless the system of rewards was extended to them as it now is to the Revenue Police?

I should restrict them; they should not go out; I said before, that they should communicate what they knew of at a distance to the nearest party; but I would not have the constabulary taken off his regular beat to hunt about.

506. My question is this: you have recommended that the constabulary should be employed in certain cases in seizing implements of distillation, and destroying or bringing them into quarters; and I ask you, could you rely upon the performance of that duty by the constabulary, unless they participated in the same system of rewards which are found necessary in regard to the Revenue Police?

I think, to insure their faithful services, the best way would be to allow them to participate in the rewards; but I should be sorry to say a man would go out of his way merely because he saw something for his own interest.

507. Do you think that if the constabulary saw in those revenue duties a mode of participating in rewards whilst in their ordinary duties in preserving the peace, they were not rewarded in like manner, they would not be likely to desert their primary duties of keeping the peace for the more profitable pursuit of stills and smugglers?

I think not, because they would know, by giving the information, they would be entitled to the reward. The Board would reward them as the persons giving the information to the proper parties, whose duty it would be to make the detection.

508. Then, would it not be more prudent to confine their services to giving the information, rather than connecting their services with the active duties of suppressing the illicit distillation, they participating in rewards for giving evidence?

I would not have a constabulary man go across a field to make a detection, but would have him communicate the matter; though on the road-side, when he saw anything immediately before his eyes, he should have the power to deal with it.

509. Again I put the question. If the constabulary did so, taking into account the fact that they go in small parties of twos and threes, whilst the Revenue Police force go in parties of 12 and 13, do you think that they would be safe in the ordinary execution of their duty?

I do;

I do; because I think the force is quite equal; because though the Revenue Police go in larger parties or companies, it must be considered that they go into spots where two or three of the constabulary dare not act; where they go in twos and threes, they are upon roads, and not very distant from houses, so that they can do that which they could not do in the mountainous districts; and the Revenue Police are required to be in large numbers in those isolated spots, because the persons who are seen the moment the still is taken, may be only a single man or two; they can call off a larger quantity of the neighbourhood lying in their huts, which are so concealed, you can scarcely tell them, in some parts.

510. Lord *Stanley* of Alderley.] Do the Revenue Police go in those large numbers except in cases where they intend to make a seizure?

Wherever they have direct information, they weigh the matter well, and take a sufficient number accordingly. I do not think they ever go so many as 13; I have seen eight or ten.

511. *Chairman.*] Is it part of their duty, as it is the duty of the constabulary, to patrol the country in parties of two?

Certainly not; they are to go to remote districts.

512. Lord *Ponsonby.*] Did you, in your general knowledge of Ireland, ever know any animosity borne to any persons who acted in the performance of their duty?

Never; they are well known, and all that is said is, "We know you must do your duty, and therefore you take us, and we will be quiet."

513. *Chairman.*] Can you reconcile that statement with the evidence you gave in relation to supervisors and gaugers, respecting whom I understood you to say, that if they did the same acts, though a part of their duty, they would be exposed to serious risk of life?

Yes; I think I before stated, that if the officer, or the supervisor, but two together, went to one of those isolated places, where they had found a mill or a kiln charged with illicit malt, I think they would pause and hesitate before they would touch it; I do not think they would touch it at all, because they would fairly calculate their life would pay the forfeit.

514. Therefore the mere fact of a man being employed upon a certain duty, unless he had the means of defending himself against aggression, would not in the case of a supervisor or a gauger be a protection, in your judgment?

There is a great thing to be considered, that the surpervisor and the gauger are men in plain clothes, with a pony or horse each, or with a walking-stick in their hands; one man, well armed and in uniform, would do more to intimidate than four other men; therefore, two or three men well armed would control a very fair body of smugglers.

515. Therefore, your reliance upon the ready acquiescence of the smugglers to the authority of officers engaged in performing their duty requires to be somewhat strengthened by the presence of a sufficient force, either in arms or numbers, to enable such officers to resist aggression?

I am quite convinced that, according to our present number, and the extraordinary duty they have to perform, they cannot effectually perform it in those remote districts.

516. Do you think that aid could be usefully given by the constabulary to the Revenue Police, if the constabulary were charged with the duty of escorting revenue prisoners to the County Gaol?

I think that where prisoners are taken by the Revenue Police, if they were taken by the constabulary, it would increase the facilities of the Revenue Police to perform their duty in still-hunting, they having now to take their prisoners from the Petty Sessions, or from the Court, to the respective gaols to which they may have been committed; I think the constabulary might do that without inconvenience: I have frequently met them with their own prisoners, and they might very easily mix the revenue prisoners with them.

517. The present system, then, withdraws the Revenue Police from their more particular duties, and directs them to perform the duty of escorting prisoners to a distant gaol?

I have known them go 30 miles, and that weakens the force at home; so that if

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if it were necessary to pursue a smuggler, they would not be able to do it, because the force would be so weakened, in consequence of the employment of many of the men in conducting prisoners so many miles : they now go right through with them to the gaols : the constabulary only take them from one barrack to the next.

518. Would the protection of the revenue be greater if there was an active effort made by the constabulary to put down shebeen-houses, where spirits are sold without a license?

I think that if the constabulary were empowered to enter houses called shebeen-houses, or houses where they saw people tippling, it would be a good thing; I think they ought to be authorized to go in and take away the spirits they might find; I would not go so far as arresting the party selling, but I should certainly summon him; that would be a better course, perhaps, than immediate arrest; by an arrest they might make a mistake; for in a cabin they would not be actually aware who was the owner, and so on; they could get at those facts afterwards.

519. Is not it the duty of every officer of Excise, if he is cognisant of the sale of spirits without license, to treat it as an Excise offence, and proceed accordingly?

If he suspects anything of the sort, he must endeavour to get a purchase made to get proof of the sale; that is the plan at present; and if a suspicion attaches to a shebeen-house, he should take out a warrant to search that house, and upon finding spirits there, unless the party can clearly show that he has come fairly by them, it would be his duty to seize them.

520. Are those cases frequent?

Very seldom indeed.

521. Is it not the fact that the unlicensed sale of spirits, whether the spirit be illicit or licensed, mainly takes place in the outskirts of the little villages and towns where "entertainment" is held out to strangers, or a turf is hung up by a string to signify that spirits may be had within?

Those houses are called shebeen-houses, and years ago it was understood that a shebeen-house was a receptacle for illicit spirits only; but the change of times has made such ravages among that trade, that they now take, in nine cases out of ten, licensed spirits from the nearest publican.

522. But the question of offence is not dependent upon whether the spirits sold be licensed or illicit; it is dependent upon the sale without a license?

Upon the act of selling without being authorised by law.

523. And the mere possession of spirits, coupled with very slight proof of sale, is sufficient for punishment, is not it?

Not a slight proof; you ought to have direct proof of the sale; and I would not say that an officer ought, if he found a small quantity of legitimate spirit, to take it away, because it is very hard that a person, however poor, may not keep a small portion of spirits in his house; they generally do in case of sickness; for whisky is considered in almost every case of sickness a good thing by all the Irish; but if I suspect that they have got it improperly, as the law imposes the proof upon the owner as to how he came by it, I should make no hesitation to take it, leaving him to prove the case before the Court.

524. The power of the constabulary in that respect is precisely the same as that of the Excise officer, is it not; have the constabulary the power of seizing or punishing except upon proof of sale?

Upon proof of sale, they can go forward; but the difficulty is, that directly they go in, nobody has paid for anything; the owner of the house says, "They are my friends called to see me, and it is hard if they cannot have a glass o whisky;" therefore the constabulary labour under a difficulty in carrying out that part of their instructions; if they were allowed, where they saw tippling, without being obliged to see the pence or shillings paid for it, to seize, and then summons the party, that would be a very good thing.

525. Earl of *Wicklow.*] Would you authorise the constabulary to go into a gentleman's house, where a party were dining, and seize upon his wine?

No; we must be guided by circumstances.

526. What

526. What difference do you make between a poor man's party sitting over their punch, and a gentleman's party over their wine?

The characters of the party in every neighbourhood are well known generally to the constabulary, and they could draw their own conclusion whether they were friends of the party's, or whether they were merely drinking.

527. Then, in fact, you would leave a sergeant, or a private constable, to form a judgment in his own mind upon that matter?

I would leave him to form a judgment, because he really must, at the time, be guided by circumstances as they present themselves.

528. So that if there happens to be in a village or town a party of fishermen, say regaling themselves with spirits, you would think the constables ought to be authorized to take them prisoners, and leave them to account before a magistrate as to how they became possessed of these spirits?

It would be such an extreme case, I hardly think the constable, however ignorant of his duty, would attempt to interfere in a case of that kind; I should call it a very extreme case; I am confining my observations to houses known to be shebeen-houses.

529. Then, in fact, you confine your recommendation solely to the shebeen-houses; you would not authorise it in any house that was not a regular and known shebeen-house?

Not unless a direct information was given against that house; and then, let the house belong to the highest or the poorest man, if an information, fairly supported, came before me, I should under the circumstances take such steps as I thought proper.

530. If that house was known to be a shebeen-house, how do you account for its being permitted to continue in that state?

A knowledge of those places, and a continuance of the transaction going on in them at particular and regular times, excites suspicion; and, supicion being once roused in the minds of the constabulary or revenue police, it becomes a part of their duty and desire to watch and see how far they would be justified before they made any attempt to disturb the owner of that house.

531. When they discover it is a shebeen-house, have they not the power of completely suppressing, it so that there can be no more illegality carried on in that particular place?

They can go in immediately.

532. Lord *Ponsonby.*] When you say, known shebeen-houses, do you mean reputed shebeen-houses?

They do go so far as to say they know them.

533. *Chairman.*] When the Revenue Police force is sent out on active duty, have they not all Excise commissions?

No, they have not; there are only some few of them, some of the sergeants and lieutenants; but out of all the common men, I do not know of any one holding a commission; he acts under the person holding the commission.

534. Could they discharge the duties which you have described unless they were accompanied by a man having an Excise commission?

No; because any person knowing they had not got a commission, would not hesitate to force them out of doors.

535. Could they make searches within the house; for instance, suppose they had reason to believe that in a concealed place in a house, say in the cellar, there was illicit spirit, would they be authorised to make that search without an Excise commission?

No; they are obliged to communicate to a superior officer.

536. Then could the duties you have suggested, of taking and destroying the implements of distillation, be performed by the constabulary, unless they, or some of their body, were also armed with the Excise commission?

I would certainly give the superior officer of constabulary, whether the head constable, or any other grade beyond the common constable, an Excise commission.

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537. If he had an Excise commission, would not he, by reason of holding that, be bound to attend to the orders of his superior Excise officer?
Not at all; he would not have any control over him; the commission would authorise him to exercise the right of searching and seizing.

538. Would not he be responsible to the Excise that had given him that commission for the mode in which he administered the functions which that commission authorised him to exercise?
I think only as far as regards any particular act; if under that commission he performed a particular act, that particular act would then become an inquiry of the Board; so far they are under control, but not otherwise.

539. Then, supposing duties imposed upon the constabulary which they could not perform without an Excise commission, and supposing those duties performed by the constable, and the responsibility for those especial acts to the Excise Board cast upon that constabulary by reason of those special acts, would not the constabulary be subject to two masters, the Commissioners of Excise on the one hand, and the head officer of the constabulary on the other?
I think not, for this reason: a seizure made by the constabulary under the authority of a commission would be merely handed over to the Excise, or to the Revenue Police, into their stores, and then, when the case was adjudicated, they would merely appear to give their evidence upon it; but they would not be under the control of the Excise in any way, save the delivering up of the seizure, and giving a particular account of all the transactions connected with it.

540. Supposing under that Excise commission they broke into a cellar to make a search that they could not make without that Excise commission, to whom would they be responsible for that act; would it be to the Excise Board, who gave them the commission authorising the search, or to the constabulary who had never given them such a commission, and had no authority to give it?
In every case they must be responsible for their acts.

541. To whom?
To themselves.

542. To what superior authority would they be responsible?
If a constabulary man searched a house unauthorized, that is, without a search-warrant, and found nothing, he would be liable to prosecution by the party who owned the place he had searched.

543. It is not the individual responsibility I asked you about, but the public responsibility; suppose an act done under the Excise commission by a constabulary officer, or a constable, would he be responsible to the Excise Board who gave him that authority?
He would be responsible to his own superiors, and to the laws of the country, and would not, I think, be responsible to the Excise Board; but the Excise Board would go this far, that they would institute an inquiry, and if they found the party deserving protection, employ their own law officer, if it were necessary, for the man who had thus, perhaps, laid himself open to prosecution by the opposite party.

544. Do you think that the Revenue Police could be held responsible for the revenue duties if any authority was given to the chief constables of constabulary to exercise an authority over Colonel Maclachlan's Revenue Police force?
I should not like to see a junction of that sort; I think the forces should be kept as far distinct as they possibly can.

545. Earl of *Wicklow.*] You would not like to see a junction?
I would go to this extent; I would merely give them this little additional duty; but I would not at all bring either party under the control of a superior. I would give each superior officer the authority over their own bodies.

546. *Chairman.*] How, then, do you reconcile with that statement the suggestion of casting upon the constabulary duties which would require an Excise appointment to enable them to discharge those duties legally?

The

The exercise of such a commission would not bring them at all under the control of the Board of Excise beyond the individual act they had done at any particular time with regard to any particular seizure they made; all that they would have to do would be merely to deliver up the seizure, and let the Board, after hearing all the circumstances of the case, deal with it.

547. Are you aware that by the law of the land an Excise officer in respect to the use of arms, and to the overcoming resistance or obstruction whilst upon duty, has much stronger and more effective powers than are vested in the constables?

The law allows him, if obstructed, to use force to force. I have unfortunately had a case of that sort many years ago, where fire-arms were obliged to be used.

548. An Excise officer has that power even without the presence of a civil magistrate?

The Excise officers have the right to carry arms.

549. And to resist force to force?

Yes.

550. And to break open doors, that is, under certain circumstances, to break open any interior door?

If he is authorized by a civil warrant.

551. Therefore the state of the law as affecting the Excise officers, and the state of the law as affecting the constabulary force, differ the one from the other?

As to the constable, the law empowers him to open a door, and go in without a search-warrant. It is different in that respect with regard to the Revenue laws, because no officer dare lift the latch of a man's door, however strong his suspicion may be, unless he has a warrant made upon formal affidavit before a magistrate.

552. Do you mean an Excise officer?

Yes.

553. Supposing an Excise officer within a house, and to have reasonable ground to believe that in a cellar of that house illicit spirit was concealed, could he not without a civil magistrate's warrant break open the door of the cellar, and search it for illicit spirits?

An Excise officer once in the house, even entering it without suspicion, has his attention drawn to something particular, and he believes that under his feet is concealed whisky; he can then, without any hesitation, even rip up the floor of the house to find it; but if he does not find it, he would be liable to a prosecution for damage to the property; he would do it at his own peril, and must abide the consequences.

554. Earl of *Wicklow.*] Supposing the constabulary under a search-warrant should enter into a house, and there is reason to believe that the treasure or the goods that they are in search of are under the floor of that house; do you not believe they would have the same power or the same responsibility to make that search?

Yes, precisely the same.

555. Lord *Stanley* of Alderley.] In the event of your imposing those additional duties upon the constabulary, do you contemplate the probability of being able to dispense with the assistance of the existing Revenue Police?

No.

556. Do you think you could diminish the number?

No; I think I would rather increase the force to that strength which it was to consist of; because, looking to the enormous amount of duty it would have to perform, and looking to the very great temptation that little-minded people have of getting a little extra profit, they would run any sort of risk; so that it would require very powerful strength to keep them down: I think it is better that they should be a sufficient force to carry the law properly into effect, and to suppress the acts entirely of the smuggler; I am quite convinced that by that means his trade would be nearly annihilated, or put an end to; I think in a very little

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little time the illicit distiller would be a rare man, indeed, to see in Ireland; in point of fact, they are reduced now so low in point of number, that the loss of the duty to the revenue is not at all important.

557. Earl of *Wicklow.*] When you make that observation, that the illicit distillation is so much suppressed that you think this small additional duty that the constabulary might be expected to lend would put an end to it altogether, do you think there is any probability of an increase of private distillation, in consequence of any increase in the duty upon the spirits?

If the duty had been a third more, the temptation would have been enough to have induced many to have carried on the practice; but the duty itself fortunately being so small, it is scarcely felt; and in receipt of the duty as I am, I can say it is paid almost without a grumbling; they say, "It makes no great difference trade is better, and there is not so much illicit distillation."

558. What increased duty are you speaking of?
On spirits.

559. When established?
The recent duty.

560. Do you allude to the present duty, or the contemplated duty under the new Act of this Session?
The 8*d.* a gallon, I mean.

561. Lord *Stanley* of Alderley.] Do you remember the increase of duty in 1841 or 1842 was the effect of raising the duty at that time to increase very materially the amount of illicit distillation?

I had only just arrived in the country; but from what I heard then, they said, "Now we have got such a high duty, very likely there will be a little more illicit distillation;" but it had not that effect: that was about the time Father Mathew was going about, and almost everybody was taking the pledge, and there was a great falling off in the consumption of spirits.

562. You attribute the falling off of the duties then to the extension of the movement on the part of Father Mathew, and not that the revenue was defrauded by an increased amount of illicit distillation?

I think mainly the diminution of duty must be attributed to the temperance movement; of course I do not speak of my own knowledge; I have heard that there was illicit distillation going on, and in particular about Kilkenny; but it so turned out, that I do not think above one or two seizures were brought into the store of illicit spirits while I was there.

563. *Chairman.*] How do you account for the fact, that the increase of the duty in 1841, 1842, 1843 produced a diminished receipt, and the repeal of the duty of the additional shilling at once produced an increase of the spirit brought to charge; if, comparing the spirit trade of 1837, 1838 and 1839, under the low duty of 2*s.* 4*d.*, with the trade of 1841, 1842, 1843, at a duty increased to 2*s.* 8*d.* and 3*s.* 8*d.* the first period shows 34,346,000 gallons brought to charge, and 3,960,000*l.* duty received, while the second period of increased duty exhibits only 17,321,000 gallons, and 2,620,000*l.* duty; whilst after the reduction of the duty from 3*s.* 8*d.* to 2*s.* 8*d.*, the quantity and revenue rose to 22,008,000 gallons, and to 2,934,000*l.*; how do you account for these variations by Father Mathew's pledge, which existed throughout the period, and not to the varying duty on spirits?

It must be taken into consideration that a change of the law will act a great deal upon individuals; and the very idea of getting spirits cheaper very powerfully affected the prices, and it became an inducement to those who were willing to break the pledge to do so; it gave a sort of spur to people to drink spirits.

564. But if the same result is shown by the effect of high and low duties long before any pledge whatever existed, and if the amount of duty paid spirits has been found to vary with the amount of duty which was enforced, how would you account for that fact, there being no pledge in question at that time?

I think in the years 1839 and 1840 there were several distilleries broken up entirely; and also I must say that a great change in the survey of Excise took place about that time. The visitations were more frequent and the operations perhaps more severe; and I do believe that some of the distillers who were guilty

guilty of fraud to a great extent, left the distilleries, and the distilleries were many of them in ruins, or converted into some other factories.

565. Did that change of the law produce the following facts: that in the year 1829 the amount of spirits brought to charge was upwards of 9,219,000 of gallons; that after the imposition of the additional shilling duty, in June 1830, the amount fell in 1831 to 8,700,000 gallons, to 8,600,000 gallons in 1832, and in 1833 to 8,100,000, in three consecutive years; whilst the repeal of that additional duty in the year 1834 produced an immediate increase in the years subsequent, to 11,300,000, gallons in 1835, to 12,248,000 gallons in 1836, to 11,235,000 in 1837, and to 12,296,000 gallons in 1838; how do you account for that increase; was there any alteration in the law on which you can rely at that time, except the reduction of the duty, and which would account for such facts?

There was no alteration in the law; but certainly the temperance movement had not any effect upon the distillation at that time.

566. I call your attention to the fact, that, pending that temperance movement, when the duty was reduced, the consumption of licensed whisky greatly increased, it being raised from 8,000,000 up to 12,000,000 of gallons; how can you attribute that to any cause but the one, the reduction of duty?

A reduction of duty enables the distiller to sell his spirits at a reduced price, and that gives great encouragement to the trade: persons who could afford to purchase a few gallons of spirits at a low rate, could not afford to pay a high price, and therefore when it gets low, they may indulge by making purchases.

567. I think you stated, in an early part of your examination, that the increase of the duty-paid spirits might fairly augur a diminution in the illicit trade, and in like manner the diminution of the duty-paid spirits might infer an increase of the illicit trade?

It is a very fair presumption, if you impose a heavy duty upon an article, you certainly increase the inducement on the part of those disposed to commit fraud, to do so, that is very clear; if, on the other hand, you lower the duty, so as to make the article come within the means of the ordinary purchaser, he is more ready to purchase a little more than he would be if it was dearer.

568. Beyond that, again, does not the greater amount of duty, which may be evaded by the illicit distiller, furnish him with a greater temptation to evade it, and a higher profit consequent on evading it?

The greater the inducement, the more likely the operation of the distiller would be on the fraudulent side; but, I am very happy to say that I do not know of any such fraudulent distillers now; the business is done in a more straightforward and honourable way; I do not think there is the disposition that there was some years ago to commit fraud of that sort; the traders seem inclined and willing to carry on the trade in a fair and legitimate manner, as far as I can see, and the proof is that there are so very few detections made at the dealers, and even at the public-houses.

569. Lord *Stanley* of Alderley.] Is not it your opinion that the less amount of revenue, which was paid when the duty was raised, proceeded from the diminished consumption on the part of the population, and not from the small quantity of spirits that came into the revenue in consequence of the increased amount of illicit distillation?

The people at that time were largely taking the pledge, and the demand for spirits was lessened; that is the only way in which I can account for it.

570. *Chairman.*] Have you any doubt of the diminution of the illicit distillation concurrently with the increased amount of spirits brought to charge, when we find that in the year 1833, under the high duty, the number of persons convicted for distilling offences was 2,194, whilst in 1835, in which year the reduction took place, the 2,194 convictions were reduced to 1,248, in 1836 to 903, in 1837 to 682, and in 1838 to 593; how do you account for those diminished convictions, except by lessened smuggling?

I can only say illicit distillation must have been going on then extensively, but I was not in the country then.

571. Lord *Stanley* of Alderley.] Might not it also be attributed to the increased efficiency of the Revenue Police and of the Excise surveyors, who in the first instance

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instance would have a larger crop of convictions, and by their exertions diminish them so that they would decrease?

Yes.

572. *Chairman.*] I proceed to the period when you were in Ireland. In the year 1842 there had been an increase of a shilling duty put upon the spirits; previously to that period, under a duty of 2*s.* 8*d.*, in the year 1841 namely, the convictions were only 228; in the year 1842, during the half-year in which the increased duty was imposed, the convictions rose to 474; in the following year, before the duty was reduced, they rose to 1,035; and upon the reduction, they fell to 462, to 270, and to 176, in the successive years 1844, 1845 and 1846, that being during the services of the reorganized Revenue Police made under Colonel Brereton?

I think a charge of that kind might be attributed mainly to the effective service of the Revenue Police, as also of the Excise officers, because I think that in all cases in mainly depends upon those who have got to exercise the authority of the law: if the Revenue Police, as they have done undoubtedly, do fulfil their duties, and the officers of Excise do theirs, I will defy illicit distillation ever to arrive to any material extent.

573. Then do you think that if the duty was raised to the original sum at which it was imposed, and the force of the Revenue Police was augmented to any possible amount, they could keep down illicit distillation?

I think so.

574. Are you aware that at the time when the duty exceeded 5*s.*, and whilst there was a power of imposing townland fines, and punishing distillers by transportation, this severe exercise of the law being enforced by military assistance, was, nevertheless, all found to be ineffectual, the average of the last three years of a duty of 5*s.* 4½*d.* showing only 3,173,000 gallons of duty-paid spirits, whilst after the reduction of duty in 1823 to 2*s.* 5*d.*, the three years' average rose to 7,691,000 gallons?

I merely heard of those things; I know nothing of them myself.

575. Lord *Ponsonby.*] That was before the establishment of the existing Revenue Police?

Long before; at the time the Excise officers could take out soldiers.

576. *Chairman.*] Do you, then, rely sufficiently upon the Revenue Police to imagine that a duty exceeding 5*s.* could now be collected?

Not to rely entirely upon the Revenue Police; they would require the assistance I have before mentioned to effectually destroy illicit distillation.

577. Supposing you got the assistance of the whole of the constabulary, in addition to the Revenue Police, do you conceive that the duty of 5*s.* could be levied upon spirits, so as to be productive to the revenue, and that illicit distillation could be effectually put down?

I think it might very easily; it would be impossible for illicit distillation to be carried on to any extent; there might be a solitary instance, but that would be all.

578. Earl of *Wicklow.*] Do you think that under this increased duty of 8*d.*, the price of the spirits sold by the licensed distiller will be still less per gallon than that of the private distiller?

Always.

579. Even with this additional duty?

Yes; because the private distiller might get more for his article.

580. Do you not, then, believe that, so long as the price of the legally distilled spirit is lower than that which could be produced by the private distiller, the inducement to private distillation will be so small, that it is not likely to increase again?

I think it would fritter way.

581. *Chairman.*] Would not the imposition of a higher duty be to raise the price of the licensed spirit?

They have already raised it, and I do not see it has made much difference.

582. Is there no difference in the price of the spirit?
Yes; but it is a mere trifle; it has made no material difference as to the trade, and as to the consumption of the legitimate spirit.

583. You state that 8*d.* duty is now paid in your collection?
Yes.

584. Has the price of the licensed spirit risen in that proportion, or in any proportion?
It has risen; but whether in exact proportion to the amount of the duty or not, I cannot say. The distillers themselves frequently will undersell each other; but it has had a rise in the market.

585. Then, in proportion as the price of the licensed spirit approaches to the level of that of the illicit spirit, will there not necessarily be the result of a less sale of the licensed spirit?
The licensed spirit is always sold; and even now, with the rise of duty, it is much lower than the illicit spirit.

586. But will not the sale be more or less in proportion to the price?
From the statement I have already made, showing the very great increase of the amount of duty paid up to the very present moment, it shows that the increase of duty has not at all injured the trade; the trade goes on just as flourishingly as ever.

587. You are aware that the interval which has passed is not the interval in which the great fact of the illicit distillation takes place; you must wait for harvest for that; is not that the fact?
That is the very season I should like to see before giving a decided opinion.

588. But is not it the fact?
I hesitate not to say that it is my firm conviction, that as soon as harvest comes in, there will be among the little farmers some who will venture part of their crops in making spirits.

589. Has it come to your knowledge, that in the north of Ireland, within your own district, even since the announcement of the alteration of the duty, preparations are being made for the extension of illicit distillation, by raising new stills; have you ever heard of that?
I have heard it so stated, and I have heard it contradicted; and from the inquiries I have made, I do not think there will be found more stills in my collection than there were.

590. Are you acquainted with Mr. Humphries?
Yes.

591. Do you think he is a good judge of the state of that country from his intelligence, and from his being conversant with land in the management of considerable estates?
He ought to be; he has charge of Lord Abercorn's estate.

592. Is not he a gentleman likely to be conversant with those matters?
You must receive with a good deal of caution what you hear in that country: I heard there was a still in the neighbourhood; I set my supervising officers to watch; they did watch; but they could not find the least truth in what they heard. The Revenue Police from Stranorlar came down, and made a search, and they have not made any discovery; but still, at the same time, a private still might exist without either party catching it, unless they had direct information against that particular still. I do not think, in consequence of the rise of duty, that there is any contemplation by the illicit distiller to increase his operations to any extent.

593. Then it would surprise you very much to learn that within a certain district, upon information that has been given, 13 illicit stills are prepared to be set up upon a property of 2,000 acres?
The only answer I could make fairly would be, that I should receive such information with a great deal of hesitation before I gave full credit to it, let it come from what quarter it might, because I know the feeling of the people, and I know pretty well what their intentions are, that they would not have so

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many stills: in the first place, the secrecy would be so great amongst them, that it would not be known that so many stills were intended; because if that knowledge was abroad, of course it would get to the ears of those whose business it would be to search it out; the stills are always made by travelling tinkers: wherever you see those fellows about, you may suspect something: I have, whenever I have seen them, caused an extra watch to be put upon them. As to the 13 stills in part of my collection, it would puzzle any one to find that number in the whole of it.

The Witness is directed to withdraw.

Mr. A. Dancer.

MR. AMYRALD DANCER is called in, and examined as follows:

594. *Chairman.*] YOU are in the public service?
I am.

595. What office do you hold?
Second Inspector of Revenue Police.

596. In what part of Ireland have you served?
I have served in Donegal, Louth, Leitrim, Mayo and Roscommon.

597. In which of those counties have you found the tendency to illicit distillation the greatest?
In Mayo and Donegal.

598. Is it in all parts of Mayo, or are there particular parts in which illicit distillation prevails?
When I was in Mayo, about 16 years ago, it existed to a very great extent in the neighbourhood of Newport, on the sea-coast; and I may add all along the sea-coast.

599. In what parts of Mayo was it that it was less practised?
Towards the interior of the county, as it bordered on Galway and Roscommon.

600. Was the part of the county in which it was practised the less accessible and the more mountainous?
Yes.

601. Your experience is probably the same in respect to other counties, that it is in the mountains and the least accessible parts that it prevails?
Yes, certainly.

602. Your revenue prisoners in the county of Mayo would be committed to the county gaol of Castlebar?
Yes.

603. Have you known instances in which the number of revenue prisoners was at one time very great in Castlebar?
I have heard so.

604. Were you employed in the Revenue Police before its reconstruction, under the authority of Colonel Brereton?
I was.

605. In what condition was it anterior to that reconstruction as compared with the present in point of discipline and efficiency?
Very inferior indeed to its present condition.

606. Were the class of men employed as officers, with those exceptions like yours, different from the class of men you have now under your authority?
Very much so. The class of privates employed before the reconstruction of the force was generally old men and pensioners, and persons of that description, appointed without sufficient scrutiny.

607. It is now more efficient and more orderly?
Certainly, very much so.

608. Have you had any instances of those collisions with the people, that appear

appear from Papers before Parliament to have been not unfrequent anteriorly to the reconstruction of the force?

I have never had any case of absolute collision; I have been threatened, but never had any absolute collision.

609. What is the Act to which the Revenue Police look for their authority?

The 1 & 2 Will. 4, c. 55, and the 7 & 8 Geo. 4, c. 53, are the principal Acts.

610. In your capacity as inspector, you hold an Excise commission, as well as your appointment as Inspector of Revenue Police?

Yes.

611. And it is in force of that appointment that you can exercise your functions of search and seizure?

Yes; in consequence of holding that commission.

612. Are all your men furnished with Excise commissions, or only the officers and sub-officers?

The officers, sub-officers, and some sergeants; but not all; those are called commissioned sergeants, and they hold Excise commissions.

613. Could you send out a part of the men for the execution of the duties now entrusted to the Revenue Police without being accompanied by some person who held an Excise commission?

No; it would be quite illegal, and is never done.

614. Could you, in making a search when admitted into a house, break open internal doors, and search cellars, and perform those functions, if you had not your Excise commission?

Certainly not.

615. Earl of *Wicklow.*] Could you do all those acts you have specified with your Excise commission?

Yes; and the finding of any illicit article justifies it.

616. Supposing you exercised those powers with your commission, and did not find anything, what do you suppose might be the result?

I think it would be illegal.

617. *Chairman.*] Supposing you had got information of illicit spirits in a house, and you had procured peaceable entrance into that house, and that you were within that house, and that you broke open a door of a cellar, and searched, and found nothing, would you be liable to action for that, acting *bonâ fide?*

I think I might offer to make good any damage that had been done, and I think that would go in a great measure in justification of the act.

618. Lord *Beaumont.*] You are liable to action equally?

That is my opinion.

619. *Chairman.*] Upon that point of law you would rather refer to the solicitor of your department?

Certainly.

620. Have you found that your mode of search, and the functions which you exercise, are operative in your judgment for the suppression of illicit distillation?

I think there can be nothing more perfect, generally speaking, than the system at present adopted.

621. You have been employed in the county Donegal?

I have.

622. The Revenue Force in Donegal is very large, as compared with the other parts of Ireland, is not it?

Yes, I think so; there is a fourth of the force in Donegal.

623. Has it occurred to you whether that force could be made more efficient by any alteration of the existing law, or the existing action under the law?

I think it could.

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624. In what respect?
I think some of the duties might be partially taken off the Revenue Police, and performed by others.

625. By what other force?
By the constabulary force.

626. What are the duties you think they might advantageously perform in aid of the main purposes of the Revenue Police?
Mills and kilns are absolutely necessary for the carrying on of illicit distillation: I think they are in places that might be visited by the constabulary force without much inconvenience.

627. By that, do you mean the larger mills and kilns, or the smaller establishments of that description, which are up the mountains?
The smaller establishments of that description are generally at the road-side, and very often in places patrolled by the constabulary force.

628. Then you mean registered mills and kilns, and not the smaller mills that are up in the mountains?
I mean the registered mills; the smaller kilns are merely temporary erections, and can be removed without much inconvenience, and reconstructed again.

629. Has it come within your observation whether the largest amount of the preparation of malt and grinding is carried on in mills and kilns of the description that you have described, which are registered and public, or in the smaller establishments in the mountains?
I would fancy in the mills which are in the most retired places.

630. Is not the hand-mill, called in Ireland the quern, a great deal used for the purposes of illicit distillation?
I think it is seldom had recourse to now: I have heard of such instances, and I have seen the machine itself, but I think it is seldom used.

631. Then, where, according to your experience, does the grinding of the malt or the grain take place?
In the small mills.

632. Which are registered?
Which are all registered.

633. You consider, therefore, that the visiting of the mills and kilns on the part of the police would be advantageous as an aid to your duties?
I think it would.

634. Are there any other functions that you think could be advantageously performed by the constabulary?
The illicit spirits when distilled are generally sold in the populous parts of the country in which there are stations of constabulary, and I think they might control the transit of spirits on their being removed from one part of the country to another; it is generally on the road that it is conveyed.

635. Can you tell the Committee in what mode it is generally removed; is it removed in carts in a covert manner, or on horseback?
I would say very seldom in that covert way; it is generally removed on horseback; two kegs are put into a sack, and the sack tied in the middle, and laid across the horse, on which the man sits; the man sits on the sack, as it were on a saddle, and in that way it is generally conveyed.

636. Is it thus conveyed through the villages and towns where the constabulary have a station?
Very often so.

637. Then, so far the aid that could be given you by the constabulary, you suggest should be directed to the inspection of those persons *in transitu*, and to ascertain whether they had permits for their spirits?
I think it would be very advantageous, without giving much additional trouble.

638. Do you not consider that great advantage would be derived by imposing upon them the obligation of escorting your prisoners?
It would be a great relief.

639. Would

639. Would not it relieve you from the necessity that must sometimes arise of breaking up your parties by sending escorts to distant county prisons?
Yes; I have often known a party so broken up, that the still-hunting duty could scarcely be performed within the week.

640. And during that interval of time would not there be great facilities given for illicit distillation; would not the removal of the party be perfectly well known to the illicit distiller, if he chose to inquire?
Yes; he is ready to take advantage of everything of the kind.

641. In your judgment what would be the effect of not only employing the constabulary for those purposes, but uniting them with you, or conferring upon them powers similar to yours for the actual still-hunting, and the detection and punishment of the illicit distiller?
I think illicit distillation requires the undivided attention of some force; for performing those duties in remote places, and at distances from the constabulary stations, and their withdrawal for revenue purposes, would leave the country open to other violations of the law.

642. Do not your parties on service consist of a much larger number of men than are employed upon the ordinary patrol of the constabulary?
Much so; I would say three or four times more.

643. And have you at all any confidence that those duties, such as the seizure of stills, and the seizure of potale and malt, could be performed, if your parties were broken up into parties of two or three each?
Certainly not, with safety.

644. You are acquainted with the practice which obtains over a large portion of Ireland, of the unlicensed sale of spirits in unlicensed houses?
I know what are commonly called the shebeen-houses; I am acquainted with them.

645. Do you consider the existence of those houses affords a vent and a sale for illicit spirits to any extent?
Where illicit spirits are extensively distilled, they are extensively sold in those houses, and their vicinity.

646. Have you reason to apprehend that those houses are also productive of danger to the public peace in the country?
I would fancy so; I would think them receptacles for all bad characters.

647. Are they to be found mainly in the populous parts of the country in the neighbourhood of towns and villages, or in the mountains?
They are to be found in both places, but I would say more in the populous places, because there is more call for them, and they get more to do.

648. Are you aware that under the authority given by Lord Eliot, when he was Secretary for Ireland, the constabulary are required to report to their Inspector-general any information which they may receive, showing the prevalence of illicit distillation?
Yes; I have heard of that order.

649. Have you received, in the course of your duty, benefit from that instruction?
In very few instances; in some we have, but very few.

650. You have stated that you consider the suppression of illicit distillation to require an increased force, and a department especially established, like the Revenue Police, for that single purpose?
The undivided attention of some force I think to be necessary.

651. And that without that you would not rely upon the execution of the duty if it was accompanied with other duties that might be sometimes of a conflicting nature?
I would not rely upon the duty being properly performed in such a manner.

652. Are you aware that at times, from the peculiar circumstances of Ireland, it becomes necessary to remove a considerable portion of the constabulary force from one county to another, or from one district to another?
Oh, yes; I have seen many instances of that.

 653. Supposing

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653. Supposing the revenue functions were assigned to the constabulary, would not there be, under such circumstances of removal from their ordinary stations, a great encouragement given to illicit distillation, unless there were a sufficient force, like yours, appointed for the purpose?
Certainly, the smugglers would be quite alive to take advantage of everything of the kind.

654. Are they not very ready and energetic in taking advantage of every opportunity of that description?
They are very watchful, indeed, and very intelligent.

655. I believe the operation of distilling is so speedy and so simple on the part of the illicit distiller, that if there was an interval of time afforded him, he would be able to realize a considerable result, by working in the absence of the force that was intended to control it?
Yes; they work very speedily, indeed.

656. Do they not hire the still, and bring it to the particular place where it is wanting, and set it to work immediately?
They do; when the potale is ready to be distilled, they hire the stills, if they have not them of their own.

657. And the preparation of the malt is very simple also by the distiller in the mountains?
It requires some days; but the process is very simple, and is carried on in remote places by kilns easily constructed.

658. You are familiar with such places?
I have seen many of them.

659. Do you think that the visiting of those places, and those consequent duties, could be performed by the constabulary where the illicit distillation is carried on?
I think they could not perform that duty with due attention to the, perhaps, more particular duties they have to discharge.

660. If you attempted to carry on your duty with the small parties you have described, and condemned, as being inadequate for the duties allotted to them, should you apprehend cases of possible violence and resistance on the part of the illicit distiller?
I think such occurrences would be inevitable.

661. Earl of *Wicklow.*] What part of the country are you stationed in now?
Inishowen.

662. How long is it since you left that part of the country?
I left it on Sunday morning last.

663. Then the new Act, that is, the increase of duty on spirits, was known in that country at the time you left it?
It was known, I think, in a very few days after the law took effect.

664. Have you any reason to believe that there was any inclination in that part of the country to revert to the system of private distillation latterly, in consequence of that change in the law?
I cannot at present say so: the season of the year scarcely enables me to form an opinion.

665. *Chairman.*] It would be about harvest-time, if such a desire existed, that it would be manifested?
Yes; the latter end of September, or the beginning of October.

666. Earl of *Wicklow.*] Was there any apprehension generally among the people there that there would be such a tendency?
There was an idea that it would increase illicit distillation, and have that tendency; but illicit distillation is steadily going down as a general practice.

667. In your own opinion, and from your own knowledge of that locality, do you believe that an impetus would be given to private distillation?
There may be, to a certain extent, but I think not a very formidable one.

668. Anything that you would not be able easily to suppress, do you think?
I think it may be kept down, but not quite suppressed.

669. If

669. If certain limited powers of aid were given to the Constabulary, such as I think you yourself have already distinguished, without at the same time calling upon them to perform those duties of still-hunting which properly belong to your department, do you think that such a change of practice would counterbalance any disposition that might arise to renew the system of private distillation in consequence of the increased duty upon spirits?

I think it would go a great way in that direction.

670. Would it be sufficient to counterbalance altogether that additional impetus?

I think, generally speaking, it would; perhaps in some parts of the country it might not, owing to the habits of the people, and local circumstances.

671. *Chairman.*] In Donegal you have described the force as being very considerable, above one-fourth of the whole force of the Revenue Police in Ireland: in those parts of Ireland where the Revenue Police Force is not so great as it is in Donegal—take the case of Mayo, for instance, or any other of the other counties with which you are familiar, in which illicit distillation prevails, but with a less force than you have in Donegal—do you not apprehend the danger of a revival of illicit distillation there?

I think there may be a revival, to a certain extent, but not a very great extent; when illicit distillation is put down, the peasantry seldom revert to it.

672. Do you not think the amount of licensed spirit which is brought to charge, its sudden diminution and its sudden increase, if those increases and diminutions are found concurrent with the rise and fall of duty, and if at the same time the number of detections are found to increase in proportion as the duty is high, and to diminish in proportion as the duty is low, do not those circumstances establish the fact that the high duty has a tendency to encourage illicit distillation, and the low duty to counteract it?

I think there can be no doubt of that.

673. Would you be disposed to recommend any amalgamation of the Revenue Police and the constabulary force except for functions wholly separate and distinct from your peculiar functions in searching, seizing and detecting the stills and the distillers?

I think this duty can be performed better by a distinct force.

674. What would be the effect if your men attached to the Revenue Police were allowed to be called out, and employed by the constabulary officers in aid of their ordinary civil duties?

The distiller would be then left to himself, and, of course, would take advantage of it.

675. What effect would it produce upon the discipline of your force, and the control and authority you could exercise over your men, if they were subjected, in any respect, to a double authority?

They could not serve two masters as well as one; and the duties of the one force, I think, might interfere with the duties of the other.

676. Earl of *Wicklow.*] Do you conceive that, in the degree of aid which you contemplate to receive from the constabulary, it would be necessary to subject them in any manner to the authority of the officers of your department; would it be necessary, in order to enable them to perform those functions you wish to see given to them?

I do not think it would.

677. *Chairman.*] If, in your judgment, giving to the authorities of the constabulary a power over your people would be disadvantageous, by reason of the divided responsibility it would produce, would it not lead to the same consequence if the officers of your department were given authority over the constabulary?

I see it would have the same effect.

678. But, without interfering with the proper organization of the constabulary, you consider that in those respects to which you have adverted they might materially and beneficially aid your operations?

I think they might materially.

679. Should you think it wise to entrust to them, in any shape, acting distinctly

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tinctly and separate from you, the power of seizing stills, seizing potale, seizing malt, and acting, in fact, in the suppression of illicit distillation?

Their parties are so small, I do not think they could do it with safety.

680. Are you able to tell the Committee whether the constabulary, generally speaking, are considered to be a popular force, and are well received by the peasantry of the country?

Very popular, I would say.

681. If in their detachments they were employed not only in the duties you have recommended, but in laying hold of the stills, and in seizing potale, and in seizing malt, do you apprehend that their popularity might be somewhat endangered, as well as their persons, whilst executing their patrols in parties of twos and threes?

If it became generally known to the peasantry that it was absolutely part of their duty, I do not think it would have a bad effect; it might make a private enemy; but I do not think it would have a general bad effect.

682. I think I understood from you, that if your people were to go out in small parties for the purpose of seizing stills, and suppressing illicit distillation, you think they would be exposed to somewhat of risk and danger?

They would.

683. Would not the constables going out in small parties for duties of that description be equally exposed to risk and danger?

Certainly.

684. Would they not be more exposed to risk and danger from the conviction that has hitherto prevailed, that they were employed for the purposes of the public peace alone, and not for purposes connected with revenue?

I think it would make them more unpopular than the Revenue Police.

685. Your duties being notoriously and avowedly for revenue purposes, no person can doubt that it is your obligation to fulfil them; but if the constabulary, originally instituted and primarily established for the purposes of the preservation of the public peace, were also employed for purposes of seizing stills, and the implements of the illicit distiller's trade, would not he be exposed to still greater inconvenience than your corps would be?

I would say much more so.

686. Do you not think that it would lead to difficulties in the performance of their own more peculiar duties, as keepers of the peace?

I think it would; I think the danger would be, that it would interfere with the discharge of their own duty.

687. You are aware that it is the duty of the constabulary to attend at fairs to preserve the peace, to attend at petty sessions to obey the magistrates, to attend at the quarter sessions to obey the instructions of the Court, and to aid in the furtherance of criminal justice; how would that be consistent with the performance of active duties for the seizing of stills, and suppressing distillation?

It would quite interfere with them, I think, and prevent the possibility of the two duties being performed.

688. Earl of *Wicklow.*] To the extent that you yourself recommended the application of the aid of the police, do you think it would have the ill-effect you suggest upon the constabulary force?

I do not think it would.

689. *Chairman.*] Are there any other arrangements which, in your judgment, might be made that would check the illicit distillation?

I am not prepared to suggest any other.

690. Should you rely upon the efficient performance of the duties of your corps unless the system of rewards cautiously applied was continued to stimulate the exertions of the men?

Rewards certainly have that effect; but I do not think they have a very material effect, at least to the extent to which the Revenue Police are rewarded I think the performance of the duty mainly depends upon the zeal and the efficiency

efficiency of the officer, who, I think, ought to be above being influenced by any motive of that kind; but, in my opinion, an increase of fixed pay would have a good effect on officers and men.

691. Earl of *Wicklow.*] The officer, in fact, does receive his proportion of the reward?

He does.

692. *Chairman.*] And that system has been from the first, I believe, in your experience, adopted by the Revenue Police?

As long as I have known it.

693. Earl of *Wicklow.*] Has it ever been at any time diminished in amount whilst you have been in the service?

Not since I joined, but immediately before I joined, I believe it was very much lessened.

694. *Chairman.*] The reward is 2*l.* 2*s* for the arrest of a prisoner, and 2*s.* per bushel for the seizure of illicit malt, and for the illicit spirits at the rate of the duty?

That is the regulation.

695. Should you rely upon the active co-operation of the constabulary if your men were receiving this reward, and they were not?

I think they should receive the same amount of reward.

696. Supposing that, in prosecuting their revenue duties, they received those rewards, and that whilst fulfilling their ordinary and civil duties they received no reward at all; should you place any very great reliance upon their strict performance of their civil duties which were without reward, and not being diverted in preference to revenue duties accompanied by reward?

I should suppose that they would attend to the duty that they received the most reward for; but, at the same time, I apprehend that, being promoted, which I should suppose they would be, from the performance of their more particular duty, that that would counteract the effect.

697. Is not that giving a reward in another shape, a reward by promotion?

Yes.

698. Are you not aware, from your own experience, that reward by promotion depends upon other circumstances beyond the mere merit of the men; that there must be a vacancy, and that there must be a position to which they can be named in the way of promotion?

Of course; but those vacancies are always occurring.

699. Earl of *Wicklow.*] But if this new duty was imposed upon them, would not the creditable performance of it come into operation in any consideration of their promotion as much as the other portion of their duty, supposing they had the united duties imposed upon them?

The proper performance of their present duty I suppose to be of a superior kind; for instance, making a person amenable for any great violation of the law I would consider to be superior duty, and worthy much more of reward than protecting the revenue, when it was not the particular duty of the force for which it was constituted.

700. But still, do you not believe that the strict and energetic performance of any duties imposed upon them would naturally be taken into account when considering them fit persons for promotion?

Of course it would have that tendency.

701, *Chairman.*] Supposing that any of the Revenue Police were combined with the constabulary, and in their combination with the constabulary rendered useful service in the constabulary corps; do you think the Revenue Police would be the best judge of the merit of that service, or the constabulary force, to whom it had been rendered?

I would think the constabulary authorities would be the best judges.

702. Then would not it be throwing a difficulty upon you in your force if you had to give promotion in your force, not by reason of services rendered under your own observation, and under your own officers, but services rendered to another

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another department, from which alone you could only receive reports, without any knowledge derived from your own observation of the merits of the officers?
I would consider it a difficulty.

703. Have you observed, during the time that you have been engaged in this service, any increase or diminution of illicit distillation?
Of course fluctuations take place.

704. What circumstances appear, in your judgment, to have produced such fluctuation as shown in the increase of illicit distillation?
Grain being at a low rate of price, and probably other circumstances.

705. Earl of *Wicklow.*] But those fluctuations you consider to have taken place whilst the private distillation was actually in general operation; is not that the case?
Yes.

706. But, supposing the private distillation to be suppressed altogether, do you suppose that those accidental circumstances to which you have alluded would cause any difference with respect to the revival of it?
If a very great inducement was held out to the smuggler, I suppose he would revert to his old practice; but I think it would not be easy to induce him to do so if he saw the advantage of giving it up.

707. My question is with reference to those particular circumstances that you have stated have occasionally made a variation in the extent of the system; would those circumstances operate, in your opinion, to revive the system, if it were actually already suppressed?
I think the fluctuations would.

708. *Chairman.*] Is not the temptation to illicit distillation the amount of profit that the man can make by the sale of his spirit?
Certainly; an additional inducement is, the remains of the material that has been converted into spirit being of advantage to his cattle.

709. The measure, then, of the profit a man can make by illicit distillation, whether by selling the spirit, or feeding his cattle upon the grain, is the inducement that man has to distil?
Yes, certainly.

710. Then, is it on that ground you state that the low price of the raw material, the grain or malt, offers a temptation to the illicit distiller?
Of course.

711. Is not the amount of duty levied upon the licensed spirit, which duty the illicit distiller can escape, a temptation to him in like manner?
Of course.

712. Then, in proportion as that duty is high, must not the temptation be increased on the part of the illicit distiller to violate the law, and to cheat the revenue?
I think the higher the duty, the greater the inducement.

713. Earl of *Wicklow.*] Are you aware, in your knowledge of the comparative prices of legal spirits and illegal spirits in the part of the country which you now reside in, which would sell the highest in the market?
The legal spirits.

714. Can you give the Committee any notion of the difference between the price per gallon of the poteen, as it is called, and the licensed spirits?
I should suppose the illicit spirit to be about 1 *s.* per gallon, or something of that kind, cheaper than the Parliament spirits,

715. In Inishowen?
In Inishowen.

716. Does it extend to the markets in Derry: I presume that a great deal of the private liquor distilled in Inishowen is carried to the Derry market, is it?
It is; I would suppose some of the spirits are carried to the Derry market; but it is sold to the class of farming gentlemen, and persons of that description, for home consumption.

717. Is

717. Is it your opinion that at the present time the purchasers of spirits and the drinkers of spirits prefer the poteen to the legal spirits?
I believe they do.

718. Lord *Brodrick.*] Do they consider it the better spirit?
They consider it a more harmless spirit than the licensed spirit.

719. Earl of *Wicklow.*] And also more palatable?
I believe that depends upon taste.

720. They consider it so?
Yes.

721. *Chairman.*] You know something, I believe, about the county of Leitrim?
Yes.

722. Are there not districts in Leitrim in which illicit distillation has very much prevailed?
When I knew Leitrim, it prevailed to a great extent in part of the county of Leitrim.

723. In what part of Leitrim is the county gaol; is it in Carrick-on-Shannon?
The county gaol is in the town of Carrick-on-Shannon.

724. Have you ever visited that prison in looking after your own prisoners?
I have never been in it.

725. Are you not aware that a very considerable number of revenue prisoners at one time have been in that gaol?
That is so; I am aware of that.

726. Do you know at all the number they have ever had at one time there?
I do not know the numbers at all.

727. Do you know the average numbers that have been confined in Lifford Gaol for revenue offences at one time?
I have heard very great numbers; I could not be exact, but I would suppose a very great number. At different times prisoners have been liberated before the expiration of their term of imprisonment, and it has been owing to the crowded state of the gaols, I believe.

728. In other counties where illicit distillation prevails, are you enabled to tell us whether it is or not true that the revenue prisoners bear a very great proportion to the whole number of prisoners that are confined to those prisons?
I think it is so in some counties.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, at One o'clock.

Die Veneris, 22° Julii 1853.

LORDS PRESENT:

Earl of Glengall.	Lord De Tabley.
Earl of Stradbroke.	Lord Stanley of Alderley.
Viscount Canning.	Lord Monteagle of Brandon.

THE LORD MONTEAGLE of Brandon in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

Mr. J. J. Barry.

22d July 1853.

MR. JASPER JOHN BARRY is called in, and further examined.

729. *Chairman.*] SINCE you have been examined, have you turned your attention to the possible amount of profit that might be made in addition to the price of spirit produced by the sale of the grains?
I have.

730. What would you consider that profit to be?
I consider 7 *s.* to be the value of the grains which would remain after the distillation of about 10 gallons of spirits.

731. What use are those grains applied to?
They are applied to the feeding of milch cows, for the most part.

732. When you state the sale of grains would produce 7 *s.* profit, is that a marketable profit, or is it the return you conceive the distiller, who was the owner of the cows, would obtain from the use of the grains?
I think it would be the marketable profit; but I think he would attach a great deal more value to it for the convenience of feeding his cattle in the remote mountain districts in which hay and fodder can only with difficulty be obtained. The grains, or wash as it is called, is of peculiar value, as it enables them to preserve their cattle in good order, and, in fact, in some cases, to save their lives. I have also remarked at fairs, that it has been remarked by people when they see a cow in good order, "That cow," they say, "probably belongs to an illicit distiller, and has been fed upon grains."

733. Viscount *Canning.*] Suppose the illicit distiller had no cattle for which to use the grains, would not the grains resulting from the distilling of 10 gallons of whisky be a very unmanageable article, that is, a very little portable commodity to take to market?
He would not take it to market at all.

734. Would not it be so to take it to any market?
He would not take it to any market; his neighbours would come for it, and take it away themselves; they would purchase it on the ground.

735. From the place where the still stood?
Yes, from the place where the still stood; they generally attend there if they can, and purchase it at the time the distillation is going on; they take it in that way. I have frequently arrested persons who have stated in their defence, and I believe their defence was true, that they merely went there for the purpose of purchasing the grains for the use of their own cattle, and that they had no intention of engaging in the distillation.

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736. And upon receiving that defence, how did you deal with them?
They are equally liable: we arrest and punish them merely for being found in the place; that gives us the power of immediate arrest; and whether they are concerned in the distillation or not, it does not matter. We merely say, "We found you there; that is enough."

737. Would any of your body then, that is, the Revenue Police, take upon them the arresting of a person conveying away the grains obtained in that manner?
If we found a person conveying grains, we could not legally arrest him, I think, because the spirit is actually extracted from that material, and therefore he is not liable to arrest, and we should pass him by.

738. I understood you to say that you had met with persons carrying those grains?
We have met with persons waiting in the still-house, the spirit being then in process of distillation, until the distillation had taken place, in order to get the refuse.

739. You caught them on the spot?
We caught them on the spot in the still-house.

740. *Chairman.*] Could you tell the Committee whether by statute, and if by statute, by what statute, a protection is given to officers of the Excise acting under their warrants, and resisting any obstruction to their authority?
I think both the Revenue Police and the officers of Excise are amply protected in that respect.

741. Could you refer us to the Acts?
The 7th & 8th of Geo. 4, c. 53; that is called the General Regulation Act, and also what we call the Illicit Distillation Act, which is the 1st & 2d Will. 4, c. 55: both of those Acts confer very great powers upon us.

742. Of protection, if you are acting *bonâ fide* in the execution of your duty?
A protection, if we are acting *bonâ fide* in the execution of our duty: the manner in which that is done is, that if we find anything, the finding is a justification; but if we do not find anything, and if an action be brought against us, the magistrate may certify that we had a probable ground for acting, upon which, nominal damages only shall be given; and if the verdict be in our favour, we have treble costs awarded to us. I may also add, that the Coast Guard have equal power in every respect to us, and to assist generally in the suppression of illicit distillation.

743. Viscount *Canning.*] That applies only to the tract of country within a short distance of the sea?
From the sea-shore.

744. *Chairman.*] Has not that co-operation been less frequent since the Treasury sanctioned the establishment of an Excise steamer to communicate with the islands?
It has.

745. Previously to that, had you any efficient means within your own corps of giving effect to the suppression of illicit distillation in the islands?
We had none, except in some places boats were provided; but it was with very great difficulty we could act.

746. Was not it practically more expensive than the system that has been substituted for it, and which is efficient?
To be sure it was.

747. Has any other suggestion occurred to you since you have given your evidence?
I think the Illicit Distillation Act might be made much more effective than it is, by being released from the control of the General Superintendence Act of the Excise.

748. Would the effect of that alteration be to render the proceedings of the Revenue Police somewhat more independent than they are now?
It would, and more summary.

749. Viscount

749. Viscount *Canning.*] Will you explain that?

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The 1st & 2d of Will. 4 appears to me to be an Act which the Legislature wishes to be summary. The times laid out for the dates of the summons are shorter than other Excise Acts; we are required to give at least six days' notice, but not more than 14 days' notice, to the person we proceed against; but the summons and the day of the hearing of the trial must not exceed 14 days from the date of the signing the summons. In other Excise Acts it was simply that it should not be more than 14, but it has been lately reduced to not more than 10 days; but there is no restriction as to the date, except that it shall be more than 10 days. We are obliged at present, before we prosecute any individual, to write a statement of the whole case to the Honourable Board of Inland Revenue, and receive their order to enable us to prosecute before the magistrates; and I think that might altogether with great advantage be done away with, and that the illicit distiller could not be subjected thereby to any hardship from us, as the magistrates and the Board of Inland Revenue could have a sufficient check over us. That would very much facilitate our prosecutions, for at present we cannot prosecute persons numerously in consequence of the restrictions upon us. We are required to state a great many matters for the information of the Board, and also the evidence that we can bring forward, previously to the Board granting us an order to prosecute: the Board are always very anxious indeed to meet our suggestions; but, practically speaking, I find that that prevents us bringing forward many prosecutions that we otherwise might effectually do.

750. *Chairman.*] Do you think that change could be effected, giving more efficiency to your force, without being productive of any hardship or inconvenience to the parties against whom you have to proceed?

I think so.

751. Viscount *Canning.*] And without leading to the risk of frivolous prosecutions being undertaken?

I think so.

752. *Chairman.*] Would the Excise Board itself still have the means, if frivolous prosecutions were undertaken by their own officers, of either removing them, or casting the expense upon the officers themselves, in such case of supposed misconduct?

They certainly would; they do at present require us, in cases of arrest, to report every case, whether a man be acquitted or convicted, and they might do the same in cases of summons. I am a law student, and that is the reason why I presume to suggest what I do relative to the Acts of Parliament.

753. Then may I ask if you can tell us whether the constabulary, in the discharge of their duty, have as effectual protections as you have described to be given to the Excise officer in discharge of his duty?

No.

The Witness is directed to withdraw.

ROBERT DOBBS COULSON, Esquire, is called in, and examined as follows:

754. *Chairman.*] WHAT office do you at present hold in Ireland?

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I am Stipendiary Magistrate for the county of Tyrone.

755. How long have you been connected with the public service?

Ten years on the 1st of June, when my appointment was dated.

756. Have you been uninterruptedly in the position of resident magistrate?

I was for two years police magistrate in Belfast previously.

757. In the town of Belfast?

In the town of Belfast.

758. Have you since then been altogether in the county of Tyrone?

I have been permanently a resident magistrate there: I have been on temporary duty in Tipperary, Donegal, and other places.

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759. As resident magistrate, have the condition and duties of the constabulary of Ireland come under your frequent, or, perhaps, constant observation?
They have.

760. The county of Tyrone, I believe, is one of those in which, to a certain extent, illicit distillation has at times been prevalent?
It is so.

761. Take that county as an example, has distillation prevailed throughout the county, or only in particular parts of the county?
In particular portions of it.

762. Will you describe the portions in which it mainly prevails, and state also the reasons which, in your judgment, lead to the existence of illicit distillation in those parts, and not in others?
It exists in the more mountainous parts of the county, particularly in the district adjoining Gortin, and the district of the Munterlony mountains, and at other extremities of the county. There are, I think, five Revenue Police stations in the county.

763. With respect to the state of the district in which it exists, and the district in which it is either non-existing, or less prevalent, what is the relative condition of those two districts as to population; which of the two is the most populous?
I cannot well answer that question; I do not recollect any difference in the population.

764. I mean, if it is to be assumed that illicit distillation mainly exists in the mountain districts, is it in the less populous parts, generally speaking, that illicit distillation is to be found?
It is in the least populous parts, certainly: there is a greater facility afforded for it in the mountainous districts.

765. And there are in such districts fewer towns and villages, and a less congregation of people?
Yes.

766. I presume it is to those mountain districts that the attention of the Revenue Police must be mainly directed?
Particularly directed.

767. In the disposition of the constabulary, to which of those two classes of districts is the attention of the constables most directed?
To the populous parts.

768. Are their duties mainly directed to the most populous districts, to the towns, villages, and their neighbourhood, rather than to the mountains?
Their duties are more particularly required in the populous districts: at the same time there are in the rural districts constabulary stations also; but their services are required more in the populous districts.

769. Is the constabulary force, within your observation, in a satisfactory state?
I think so.

770. Efficient and well disciplined?
Yes. I have had a great deal of experience in my own county and in Tipperary during the time of 1848; I have always had strong reason to feel the most perfect satisfaction with the manner in which they did their duty.

771. The character of the men is generally satisfactory, is it not, on their first selection?
Yes; I have found them on all occasions perform their duty most satisfactorily in every way; they are a fine body.

772. In relation to their intercourse with the people, do you find that they generally possess the confidence of the people, and are kindly considered by the bulk of the population?
I consider so; I find they get on well with them. Though they very often are opposed to them in positions where you would suppose animosity might be created,

created, it passes off; there is no ill-feeling beyond the excitement of the moment; that would naturally exist.

773. Have you known instances in your neighbourhood of actual obstruction or acts of violence by the people against the constabulary when in the execution of their duty?

Not in my county; I am particularly fortunate in that.

774. Do you consider that such good feeling as you have described to exist between the constabulary and the people is essential to the due performance of the duties of the constabulary?

I do; and I think it renders their duties much more easily performed; the people respect them, and I think deservedly.

775. Do you think that such circumstances facilitate, on their part, the obtaining of evidence for the detection and prevention of crime, and the apprehension of offenders?

I am sure that it is the case, because the people have confidence in them; and though they are often brought in contact, it does not create any disrespect; on the contrary, so far from it, the constabulary can obtain information very often from the people, and do obtain from them useful information.

776. Earl of *Stradbroke.*] Do the people know that the constabulary are generally selected from being men of the best character?

I should believe so, because it is a matter of great consideration and anxiety among the rural classes to get their relations and friends placed upon the constabulary.

777. And they undergo an examination before they are placed there?

I believe so; I have not been myself connected with the constabulary.

778. *Chairman.*] Are you able to inform the Committee whether, by reason of the emigration that has been going on, and the somewhat improved demand for labour consequent upon that emigration, it has become more difficult to obtain the services of the same class of persons that were formerly desirous of entering the constabulary as privates?

Of my own knowledge I cannot say so, not being connected with the constabulary; but I have no doubt upon the subject; I have been informed of it by constabulary officers and persons who know it.

779. Have you been able to trace to illicit distillation any direct evil consequences beyond those necessarily attending the violation of the law, and those which must likewise attend the loss of revenue?

No, I do not know of any.

780. Were you in that county before the Revenue Police was reorganized under Colonel Brereton?

No; 1843 was the time of my first going there.

781. Are those portions of the peasantry who are engaged in illicit distillation quite as much to be relied upon in maintaining order and the peace as those who are free from such transactions?

I can speak to their characteristics from having had a good deal to do as a magistrate in the management of those cases, in Gortin district particularly, and I find they are of a wilder and more untamed nature; they are not so civilized; they are in the bogs and wilds of the country.

782. Viscount *Canning.*] Do you say that generally of the population of the Gortin district, or particularly of that part of the population that is engaged in illicit distillation?

In the Gortin district I speak of; the Munterlony mountains are more favourable for illicit distillation, as is the case with those mountain districts over Ireland.

783. May it be fairly assumed, that in that district everybody is more or ess implicated or interested in illicit distillation?

I think so certainly; people do not entertain the feeling there against illicit distillers that they would against people who committed any other offence; they do not hold it in the same contempt.

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784. *Chairman.*] The illicit distillers, when they are apprehended and charged with offences, come before the various benches of petty sessions, at which you assist officially?

They do.

785. Have you found any difficulty in enforcing the penalties of the law in those various petty sessions at which country gentlemen assist and attend with you?

There is no resistance and no difficulty when cases are proved; I have never found any difficulty in the execution of that duty; if it be an immediate arrest, of course the parties are there; and if a conviction takes place, they are handed over to the Revenue Police. I have never heard of any occurrence where there was a rescue attempted, or any disturbance created.

786. Have you found, amongst the local magistrates with whom you attend, any indisposition, where a case has been proved in evidence before them, to carry the law into effect by punishment of the offender?

I have always found them most anxious to do their duty independently and straightforwardly on all occasions, even the landlords of those very men who are acting in that way.

787. How many petty sessions have you to attend within your district?

Six I generally attend; I have the entire county; and, of course, any part where I am required I go to. I used to go oftener to Dungannon than I do now; they do not require me. About seven to nine petty sessions, on an average, each month I attend.

788. The evidence you have given relates to the whole of the district you are acquainted with, and the magistrates acting in that district?

Yes; it relates to the entire county.

789. Where prisoners are convicted in a summary way before petty sessions, what is the course generally taken for the transmission to prison of such of them as have been convicted by the magistrates?

The usual practice is, that when a man is convicted of an offence, he is taken charge of by the constabulary; and if his committal be made out, he is handed over to the constabulary, with the warrant directing them to convey him to the gaol, and directing the gaoler to receive him.

790. Will you state whether that usual course which you have described is that which is applicable to the revenue prisoners?

No, it is not; they are specially exempted; the constabulary do not take charge of them; they are handed over to the Revenue Police. All those revenue cases are prosecuted by the officer, and his police are with him.

791. And by that force taken to their ultimate place of imprisonment, the county gaol or house of correction?

Yes, they are; if it be a conviction requiring a levy warrant in the first instance, and the convicted person be not present, the levy warrant is given to the officer. If he fails in finding goods, he makes a return in the usual way to that warrant. A body warrant is then issued, and he arrests him himself, with his men, on that body warrant.

792. Is not the consequence of casting upon the Revenue Police the duty of escorting their own prisoners to the county gaol the removing of a considerable portion of the Revenue Police from their proper duties during the time of such transaction, as well as casting upon them very long and fatiguing marches in the escorts of their prisoners?

It does take them from their stations, there is no doubt; but, in the first instance, they must come from their stations to prosecute the offenders at the petty sessions. It generally prevents them from going back to their stations immediately when the conviction has taken place, because they have to transmit the offender to the gaol.

793. During the time of their absence, must not a considerable facility be afforded to the illicit distiller in resuming his operations?

The same facility that would be afforded to any person to commit an offence in the absence of the constituted authorities—the constabulary police, for instance, in escorting their prisoner upon his conviction.

794. Should

794. Should you see any practical inconvenience or objection to charging the constables with the transmission of revenue prisoners, as they are now charged by law with the transmission of all other prisoners after conviction, under a magistrate's order?

I do not see that there would be any objection to transmit them as any other prisoner after conviction would be transmitted; but still there might be some difficulty in it: if it were an immediate conviction, and the man present, there could be no objection to hand him to the constabulary, and have him escorted; but there would require to be a distinction between evidence and proof in a man's absence and in his presence, that is, in the latter case, if the service of the summons were proved, the conviction made, and the warrant issued for him, should the constabulary be authorized to execute that warrant, it would be mixing up their duties with the duties of the Revenue Police in a way to which my opinion is opposed: I therefore keep myself entirely to the fact of the prisoner being present, and convicted.

795. Suppose a case in which a prisoner is not present; would not the course be, that the magistrate in such case would take the evidence in his absence, and would issue the warrant for his apprehension; that he would again be brought before some magistrate or some civil authority, and then a final warrant of commitment be issued by such magistrate or authority; would not that be the course?

The usual course in the revenue cases is, that the warrant contains the direction to arrest, and the direction to the gaoler to receive.

796. In the one warrant?

In the one warrant.

797. Viscount *Canning*.] Do you mean, in a case where a prisoner is not present, and a warrant is issued for his arrest and for his being taken to gaol, that the whole of that warrant is executed without his being brought up again before a magistrate?

He is not brought up again after conviction. The Excise warrants are generally peculiar in their form.

798. *Chairman*.] Will you state the grounds of your opinion for the distinction you have drawn between the duty to which you see no practical objection, of transmitting an excise prisoner upon conviction under an ordinary magistrate's warrant, and the issue and execution of the other warrant for the apprehension of a supposed criminal?

I think, in the one case, it is very simple and right; the man is there, and he goes in the usual course, the same as any other prisoner who is present and is convicted: this does not mix up, I conceive, in any way the duties between the two forces: my opinion is very strongly opposed to the admixture of their duties further. The distinction I draw is this, that if a warrant be issued, and the constabulary force sent out to arrest a revenue offender, by taking that step, there is, in point of fact, a combination of them with the revenue force. I think this would make the constabulary very obnoxious; it would injure their usefulness, because there is not the prejudice against them now that there would be if they were combined.

799. What effect do you think would be produced upon the constabulary if they were consolidated with the Revenue Police?

I think that it would have a very pernicious effect upon the constabulary force, which stands very high at the present time; it would offer temptations to the men in the first instance, which I should be fearful in many cases might be given way to.

800. What are the temptations you specially allude to?

Drink, in the first instance; but I go upon a higher ground; I conceive that if the constabulary be mixed up with those revenue duties, their usefulness as a constabulary force will be destroyed, in a great measure.

801. Will you describe in what way it would produce those pernicious effects upon their usefulness and efficiency?

The constabulary at present have ample duties to perform if they perform them effectually and efficiently. If you put more duties upon them, such as revenue duties, you will most certainly materially interfere with the execution of their

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their present duties: I will give a simple instance; I will not go to the extent of taking cases of outbreak and riot, or anything of a more material nature, but take, for instance, the necessary attendance of the constabulary at fairs, markets, and other places where they are constantly, weekly and monthly, called upon to attend.

802. Are they not required by the General Regulations to attend those fairs in order to prevent outrage?

They must do it; they are taken from different parts of their constabulary districts; they have barracks, with five or six, or four or five men, in different parts of the country; and if a fair takes place, they are draughted from one sub-station to another: several of those parties are brought together, and so 14 or 15 men are brought to a fair: I consider if they were combined with the Revenue Police, and information came in the morning (or the night before) of a fair, if they had been out on revenue duty, and kept out all night on that revenue duty, they would not be competent for their duties at the fair; independently of that, I think it would open out an opportunity for a great deal of deception amongst the people: those distillers are very knowing, and I think it is more than probable that the constabulary would be very often blinded by false information of a row at a fair, to get them out of the way of the distillation, or if they wanted a row at the fair, they would get up a false report of illicit distillation, and so get them out of the way: it is impossible with the present force that they can do both duties.

803. By the 6th & 7th of Will. 4, c. 13, for regulation of the constabulary, you are aware that in the 15th clause there is a prohibition to this effect: "That the constabulary are not to be employed to levy tithes or tithe composition, to levy rents by distress, to levy fines or penalties under any Act or Acts relating to the revenue in Ireland, nor to enforce any Act or Acts relating to the laws for the preservation of game or fish, except where forcible resistance has been made, and has been proved to be made upon oath;" do you consider that it would be safe in any degree to abandon the principle which is involved in that prohibitory clause?

Certainly not; it has been a most beneficial principle, and most advantageous to the force to keep them apart from all that; in fact, my opinion with regard to the constabulary always has been, and my anxiety would have been, to make them, if anything, more of a military force, if I may say so.

804. Viscount *Canning*.] In describing the revenue duties which you think would interfere with the performance of the present functions of the constabulary, you allude to the still-hunting, I presume, chiefly?

I do.

805. Are there no other duties now discharged by the Revenue Police which would not interfere by drawing away the constabulary force from their ordinary beats, and the performance of which by the constabulary might be a great relief to the Revenue Police, and give them greater facilities in the performance of their functions?

I am not aware of any, except what was mentioned with regard to the escort of prisoners.

806. Are you aware of an order that was issued when Lord Eliot was Secretary for Ireland, directing information to be given by the constabulary to the Revenue Police in the case of its coming to their knowledge that illicit distillation was going on?

Not until I heard of it to-day from one of the officers.

807. You are not aware that it has been the practice to give such information, then, by the constabulary?

No.

808. Do you see any objection to its being considered a part of their duty to do so?

My opinion is against mixing them up in any way, and I think there would be a strong objection to mixing them even with regard to giving information. My strong opinion is, that by far the better course and the most advantageous one for the performance of both duties, is to keep the two forces apart. I am

so

so strongly impressed with that idea, that I cannot believe it would be useful to mix them.

809. I understand you to give this reason for that idea, that the performance of the revenue duties by the constabulary would interfere with the performance of their own duties?
Certainly.

810. Because they would be drawn away from their proper scene of action, and advantage might be taken of their being so removed; but in the case of giving information, that would not apply?
No, it would not in that case, certainly.

811. Will you state what your objection to that degree of interference on the part of the constabulary with the execution of the revenue laws would be?
In the first place, this is merely assuming an opinion. I think the constabulary themselves would consider it was degrading to them. There is in Ireland among the lower classes a very strong feeling, and amongst all classes, against any imputation of being an informer; and I know that by the force, and I have had good reason to know this, it would be considered as entailing upon them an offensive duty.

812. If it should appear that in practice it has not been unfrequently the case that information has been given under this instruction to which I have alluded by the constabulary to the Revenue Police, would not that in some degree shake your opinion?
I do not go to the extent of saying they should be excluded, if they saw illicit distillation going on, from giving the information; but the difficulty would be the routine through which that information should be given.

813. How would it be assuming that the information was conveyed in this manner, that the constabulary report to their Inspector, or their superior officer, and that he reports to the head of the force in Dublin?
I think that is all right; that keeps the constabulary from immediate interference with the revenue officers or men.

814. You would, therefore, object to any direct communication between the constabulary of one district and the Revenue Police of the same district?
I think so, except through the head officer.

815. *Chairman.*] Can you tell the Committee how the patrol duty is performed by the constabulary as bearing upon this question; how many do they go out in parties?
That depends upon the force they have at the different stations.

816. Take it as a general practice?
As a general practice, they go out in parties of three and four men; they leave the "orderly" in barrack; they have generally five and a constable.

817. Suppose a party that admits of four or five being detached, do they patrol in a body of four or five, or do they not, on the contrary, divide into bodies of two or three at the utmost, and patrol in different directions, and meet?
They do not separate where the force is so small, because four men are a small patrol. They make a patrol very often coming home from the fairs or markets; that makes a patrol; and at every meeting of the petty sessions there is a patrol book put before the magistrates, and examined and signed; and they examine the hours the men are out upon patrol.

818. Supposing, in place of the information being given confidentially, as now, through the medium of the officers of the constabulary, and by them communicated in like manner to the Revenue Police, that it was known and made avowedly part of the duties of the constabulary to procure and give this information, what do you consider would be the condition of the small patrolling parties of the constabulary in those distillery districts?
I think that it would create a very strong feeling against the constabulary which does not at the present time exist; it would render them very unpopular, and I do not think any advantages derived from it would be sufficient to make amends.

819. Do the constables at the present time very frequently obtain from the peasantry, with whom you have described them as being on good terms, important information, leading to the due execution of their primary duties?
They do very often.

820. Would that continue to be given, do you think, if they sought not only for information respecting the public peace, but sought for information with respect to the violation of the revenue laws?
I think they would become more unpopular, and, of course, their powers of obtaining information would be lessened.

821. Viscount *Canning.*] Is it your opinion that the Revenue Police, as a body, is much less popular than the constabulary?
I consider so certainly amongst persons of that peculiar class.

822. *Chairman.*] We have it in evidence, that the still-hunting parties go out in parties of 11, 12 and 13?
In large bodies.

823. And it has been stated to us, upon the evidence of the officers of the Revenue Police themselves, that if they went out in small bodies to patrol, as the constabulary do, they do not conceive that it would be safe for them to execute those functions?
I am convinced it would not.

824. Do you think the same observation would apply with the same, or with a greater force to the constables?
If they were so employed, I believe it would; the circumstances would be just the same, from their being employed on the same duty.

825. Viscount *Canning.*] You have described the Revenue Police as being unpopular with those who are engaged in this illicit distillation. Any popularity that would accrue to the constabulary from assisting the Revenue Police in their duties, would be only as regards the feeling of the smugglers?
Yes; with regard to the feeling of those parties undoubtedly it would be so; but I go further, and say, that with regard to all the people, there would be more feeling of hostility towards them if they were connected with that duty than there is at the present time. I go on the broad principle, that it would be injudicious to connect them, as the two duties could not be done well; one or the other would suffer by it. Unless you increase the constabulary force very considerably, you could not effectually have both duties done by them; because, if they be drawn away by the revenue duty, the other duty must be neglected; or if they were drawn away for fairs, riots and fights, their revenue duties must be neglected; consequently, I think, that if it came to the point of expense, the force of the constabulary would require to be increased, if their duties were so. My belief is, that their present duties are quite sufficient to employ them to do them efficiently.

826. That applies particularly to the employment of the constabulary in still-hunting?
It does.

827. Speaking of such duties as they may perform in the ordinary course of their patrols, you still feel a strong objection to imposing those other duties upon them?
I feel strong objections to working them in any way with the revenue force.

828. On other grounds than removing them from the scene of action?
I think the advantages would not be equivalent to the disadvantages.

829. Earl of *Stradbroke.*] In those districts where the illicit distillation goes on, what distances are the stations of the police constables generally from each other?
Six or seven miles about the average.

830. Are you well acquainted with the south of Ireland?
I am not.

831. You cannot state whether it is as much as that in the south of Ireland?
No.

832. *Chairman.*]

832. *Chairman.*] We have been informed that, for the purpose of the sale of illicit spirits, the mode adopted is, that a man on horseback carries two kegs in a bag across the back of his horse, and that, in seeking a market, he passes frequently through villages and towns where constabulary barracks exist, and by the doors of which he is compelled to pass; is it your opinion that, without violation of the principle you so strongly rely upon, there would be any objection to giving to the constabulary the same power of stopping and examining suspected spirits *in transitu* that they have now, where they suspect goods to have been stolen, or apprehend a larceny to have been committed?

No; that is a distinct question; there would be no objection at all to that, in my mind; but it would make a difference supposing that the constabulary actually seized it; I would not place them upon the same footing as the Revenue Police: with regard to reward, I would keep that open.

833. You are aware that for all such captures the Revenue Police are now entitled to a money reward?

I believe so.

834. And should you conceive that it would not be consistent with the well-being of the constables to extend to them that system of money reward, as an inducement to them to fulfil those functions?

I would not do so, not from any distrust of them, I beg to say; but I think it is more reputable and better policy to keep them in the position they are in.

835. What is the present system with respect to rewards given to the constables for special service?

That is part of the usual routine, which, in point of truth, I cannot sufficiently explain; but I may say so far as this, each constable, and our resident magistrates, and other officials, pay two-and-a-half per cent. from their salary to what is called the Reward Fund, and for any particularly good service it is within the province of his Excellency to reward him, by giving him a gratuity, or by giving him certain good-service money.

836. Is there not introduced into the constabulary a system of honorary reward, chevron marks for good service, which tell ultimately upon the retired allowance of the constable?

Yes.

837. Do you think that that system of honorary distinction and reward, giving a future and prospective benefit in case of retirement, has been productive of a just stimulus to good conduct?

I am convinced of it.

838. Do you think that would be interfered with if they were induced to look to a direct pecuniary reward, so much per head for a prisoner, so much per bushel for malt, so much per gallon for potale, such as forms the system of reward as regards the Revenue Police?

I do; I think it would materially interfere with the honourable ground they stand on at the present time, and materially interfere with their usefulness also.

839. Lord *Stanley* of Alderley.] Will you state in what respect it could interfere with their usefulness?

In the first place they would be more anxious to do the particular duty for which they would be entitled to the pecuniary compensation, to the probable neglect of their other duty; it is in human nature to suppose so.

840. Have you not stated with respect to those chevrons, that they are not merely of an honorary character, inasmuch as they entitle the party receiving them to some consideration on retirement or superannuation?

At a subsequent period.

841. Then they are not entirely honorary, but they are taken into consideration in the reward received ultimately?

But not to the same extent as the Revenue Policeman, who is to receive, say 2 *l.* for the arrest of a person, or so much for the seizure of a cask of whisky.

842. *Chairman.*] Are they not as much honorary rewards as the civil distinctions in Her Majesty's military service, in which a badge of honour ultimately tells upon the good service reward of the men when they are discharged?

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I look at it as a higher description of reward, and not calculated to be of the mischievous nature of the other.

843. Viscount *Canning.*] You expressed an opinion that the constabulary police might, in certain cases, be advantageously made use of in the escort of revenue prisoners?

Yes.

844. Do you consider that they might be fairly called upon to discharge that duty without receiving any reward in consideration of it, or without sharing in any reward that is now solely enjoyed by the Revenue Police?

Most certainly I would not give them any reward for it. I wish to convey this, that when prisoners are convicted, and sent from the petty sessions, when they are present they might be handed over to the custody of the constabulary the same as any other prisoners would be, and conveyed to gaol, and so saving the Revenue Police the trouble of going into the place where the gaol was.

845. Has it ever come to your knowledge, or have you ever heard, that the employment of the constabulary in escorting the revenue prisoners ceased to be practised, owing to some question as to the reward being shared between them and the Revenue Police?

No, I never did.

846. *Chairman.*] You would propose, in respect to the commitments of prisoners upon conviction, that that should stand with respect to the revenue prisoners precisely on the same footing as it does with respect to every other prisoner?

When they were committed on the spot from petty sessions, and present there.

847. You are aware that by the law of Ireland mills require to be registered?

Yes.

848. Supposing that any extent of illicit malting takes place at those mills in relation to such of them as are not situated in the mountains, or in the distillation districts, should you see any objection to the police visiting those mills, and seeing whether anything unlicensed, or any smuggling, was going on?

If they did that in one instance, it would interfere with the strong opinion I have against their being in any way mixed up with it. I do not see how there could be a distinction between their doing it in one place, and not being called upon to do it in the other, if the principle be admitted.

849. Would it be practicable to draw a line, and direct that in one particular district, describing it geographically, the constables should have the power of visiting mills, and that in another they should not have such duty to perform?

I think it would be most difficult to do so; nearly impossible, I should say.

850. Do you recollect the Act of the 6th & 7th Vict. c. 56, for the levying of fines and recognizances?

Yes.

851. In the 34th section of that Act, the same principle to which I have alluded for separating the constabulary from revenue duties is carried out still further. The Act being for the collection of fines, it contains that prohibitory clause, that "those fines shall not extend to any fines under the laws of Customs Excise, Stamps or Post-office, or any other fines under the Game Laws;" you recollect that clause?

I do.

852. Is that a principle which is consistent with the rule you have laid down, or is it a rule from which you think any departure could safely be made?

I think it is consistent with the opinion I have expressed, and the principle I have laid down, and I would not depart from it; and it is borne out by the Legislature with regard to the revenue laws, because in our late Petty Sessions Act we are also restricted from interfering with the revenue; the revenue laws remain as they were; our duties in petty sessions are restricted in that respect; great extension is given to us with reference to other matters, but not in those with regard to the revenue law.

853. Therefore,

853. Therefore, throughout the whole of those Acts the same principle has been cautiously maintained and enforced by Parliament?
Yes.

854. Viscount *Canning*.] Would not there be a departure from that principle if the constabulary were empowered to stop spirits *in transitu*, as was just suggested?
It is departing from the principle in some degree; but I think it would be a very slight departure from it, and could not involve in that instance the objections I raised to it in other respects. Where the offence was so palpable before their faces, as in the instance which has been adduced, where the kegs were carried through the town before the constabulary, there could be no doubt, I should say, that they might have the power of questioning the parties.

855. You think it would be a vital departure from it if the constabulary were authorized to examine licensed mills and kilns to see whether any fraud against the revenue laws was being transacted there?
I think it would be a departure from the principle I have laid down, and would mix the constabulary up with the duties of the Revenue Police in a manner I should think would not be advantageous.

856. You would not object to the power of examining the spirits *in transitu*?
That is an exception; where it is so very palpable as that, I would give way.

857. *Chairman*.] Would you have the goodness to explain to the Committee what duties are now by law imposed upon the constables with respect to what are called shebeen-houses, the places opened for selling spirits without a license?
There is a special Act of Parliament empowering the constabulary, upon the orders of the magistrates, to visit public-houses; and there is another special enactment enabling them to bring before the magistrates at petty sessions informations against shebeen-houses, that is, persons selling spirits without a license; they have the power to go within those houses, and, I believe, turn the people out who are drinking in them, and have them fined; the extent of the fine there is two pounds; that differs from the Act of Parliament connected with licensed houses; but there are great difficulties in the way very often; the parties hide the whisky. But the means generally adopted are very efficient, namely, by ascertaining the names of the persons who go into those shebeen-houses; there is then a power under the Act to summon those parties, under a penalty of 2 *l.*, to come forward and give evidence; and though the constable may not himself have seen the whisky sold, and not be able to prove it himself, yet if he has got sufficient information about it, he can summon the parties who have been there, and produce them before the magistrates to be examined.

858. Lord *Stanley* of Alderley.] Have the constabulary the power of searching the premises to see what whisky there is there?
In licensed houses, after 11 o'clock, they have the power to go by a written order from the magistrates of petty sessions, and demand entrance; and if they do not admit them within a certain time, they are liable to penalties; and with regard to shebeen-houses, they are also liable to penalties, but not exactly the same.

859. Have they the right of searching upon the premises to see whether they have whisky there?
Yes, clearly when they go in, to search and ascertain when they get in; I do not mean they should break or open doors or places.

860. If they found a cask of whisky in a shebeen-house, what course would be taken by the constabulary?
The constabulary would seize it, and hand it over to the Excise, who prosecute the party; this, I believe, would be the case.

861. Are they entitled to any reward?
None, that I am aware of.

862. Viscount *Canning*.] Does the exercise of that power on the part of the constabulary, tend to make them unpopular with the people at large?
Not particularly.

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863. Is not it a power exercised directly for the purpose of protecting the revenue?
No doubt.

864. *Chairman.*] Is not it also exercised directly for the purposes of the public peace?
No doubt.

865. Is not it the fact that those shebeen-houses are the houses of reception of the worst characters in the country?
Generally speaking, they are.

866. In the case of the licensed public-houses, is the visiting of that licensed public-house for the purpose of preserving the public peace and order, and seeing that it is closed at the proper time, or for the purpose of protecting the revenue; can it bear upon the public revenue at all?
It is for the purpose of seeing that they conduct themselves properly, and that the houses are closed, and to take away temptation.

867. Lord *Stanley* of Alderley.] If the constabulary had power to seize spirits, and hand them over to the Excise, would you not consider that an act on the part of the constabulary in aid of the Excise, and in protection of the revenue?
I should wish to correct myself with regard to that. Upon recollection, I am not quite certain with regard to the process adopted if they find a large quantity of spirits at a shebeen-house, whether they would hand it over to the Excise.

868. *Chairman.*] As a matter of fact, do they ever find it?
No; it is in small bottles, and they hide them in different ways; you have no idea of their ingenuity, and the difficulty we have in the conviction of an apparently plain case; the witnesses are very unwilling to give evidence, and if they prove they bought it from a licensed party, they get clear of it; there is great difficulty sometimes, though it seems plain enough.

869. Lord *Stanley* of Alderley.] Do you mean that the offence is having the whisky, not having purchased it from a licensed distiller?
The offence is, having the whisky, and selling it without a license.

870. I understood you to say, they endeavoured to show that they purchased the whisky from a licensed distiller?
I did. The difficulty is to prove that any money is paid for it; and unless money is seen to pass, they may say, "I bought it, and was treating them; they are my friends; I got no money for it."

871. *Chairman.*] Are the Committee to understand, that under the existing laws the inspection of those shebeen-houses, and the proceedings against them, in case of detection, is a duty which is now cast upon the constabulary by law, and exercised by them?
Yes, it is their duty.

872. Do you think the law in respect of the shebeen-houses could be in any respect strengthened and made more effective than it is now, referring to the difficulties that you have so clearly described in obtaining convictions?
I am not sure whether, in fact, the Excise ever take cognizance of them or not; but if they do not, were they permitted to do so, they might in many instances assist the constabulary considerably.

873. Lord *Stanley* of Alderley.] Do you think that, by co-operation between the Excise and the constabulary, greater facilities might be given for detecting those houses, and putting them down?
I am not aware at all that the Excise in any way prosecute in those shebeen-house cases.

874. *Chairman.*] Are you not aware that those shebeen-houses in many instances exist in the outskirts of the villages, and even of the considerable towns in Ireland?
No doubt they do.

875. Take Omagh. In some of the outskirts of Omagh, are there not houses marked

marked by a sod of turf hanging by a rope, or by a bottle, or by a cup, out of the window, which is perfectly well known to mean shebeen-house?
I am not aware of those signs.

876. In Omagh have you not excisemen, such as gaugers and supervisors, and men of that description, appointed?
Yes.

877. And so with Derry, and all the principal towns?
Yes.

878. Have you ever known any cases brought before any petty sessions you have attended in which there has been a prosecution of those shebeen-houses on the part of the civil officers of the Excise, such as I have named?
I think I remember one instance, some years ago, but only one.

879. In 12 years?
Not more than one; I mean especially with reference to those shebeen-houses; there may have been more—I do not recollect them—but certainly not as a practice.

880. Within your knowledge of the mode of disposing of the constabulary force of Ireland, have you known any of the counties which have been required to support a larger number of constables than the number fixed by law?
Yes; Tyrone supports I cannot say how many; but there are, I think, two extra stations beyond the complement: the county of Donegal, I am aware, is in the same way.

881. In the event of more constables being required for executing their primary duties in preserving the public peace, is not the expense of that increased force contributed to out of the county rates?
It is, I believe.

882. If the revenue duties were to be imposed upon the constabulary in the counties in the north and west, where distillation has been shown to exist, is it your opinion that the number of the constables must be considerably augmented?
It is.

883. Would not the consequence of that be, that the law remaining in its present condition, that increased force so rendered necessary for revenue purposes, and not for the purposes for which the constables were appointed, would be rendered a local expense to the counties in question?
As the law at present stands, I believe it would.

884. Lord *Stanley* of Alderley.] Where has it been shown that there has been a necessary increase?
I believe I have stated, that if the duties at present performed by the Revenue Police were performed by the constabulary, or the constabulary assisted in them, you would require to have an increase of constabulary; it would be impossible for them to perform effectually their present duties, if they had the additional duties of the Revenue Police put upon them.

885. In making that statement, do you contemplate that they should have the whole duties of the Revenue Police put upon them?
In fact, that the constabulary, in the exercise of their revenue duties, should be associated with the Revenue Police in their duties of still-hunting.

886. In the recommendations that have been made to this Committee for the employment of the constabulary in assisting the Revenue Police, none of the persons who have made such recommendation have recommended that the constabulary should be employed in still-hunting, but only in such services as you have stated they might be beneficially employed in, namely, the conveyance of prisoners to gaol, and detecting spirits in their transit through villages; one additional employment that it has been supposed they might undertake without interfering with their present duties, is in inspecting mills and kilns on the road-side in the immediate way of the ordinary performance of their duty; is it your opinion, if they were to perform those duties I have now mentioned, that those duties would be incompatible with the performance of their duties as constabulary, without a large increase of the force?

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I think you would require an increase of the force if they went to the extent now stated; I do not concur to the full extent that you have gone.

887. I understood you to say just now, that you made your statement that there must be an increase, on the supposition that they are to perform all the duties of Revenue Police, including still-hunting?

To render them efficient as an assistance to the Revenue Police, you must increase their force, because you would largely occupy the time that now is or should be occupied in the performance of their own duties; and, in my opinion, there are already duties enough which the constabulary have to perform, if they perform them efficiently, to occupy them entirely.

888. Do you think the one duty you admit they might perform, namely, that of the detection of spirits carried through the villages, might be performed without any additional force?

If it passes their barrack doors.

889. Do you think that the conveyance of prisoners to the gaols might also be undertaken by the constabulary?

Under certain restrictions. The distinction I made was this; I would not employ them in the execution of levy or arrest warrants. But if a man were convicted at petty sessions, where the constabulary are for the purpose of conveying to gaol other prisoners convicted for other offences I would hand them over to the constabulary when they were convicted on the spot to be conveyed to the gaol, and so let the revenue party go back to their station, and save them the extra duty of going from petty sessions with their prisoners.

890. You think those duties would be compatible with their present duties?

Yes.

891. *Chairman.*] Have you not known that it has been necessary to use the constabulary as a moveable force and upon occasion of danger, or apprehended danger, that it is necessary to march a certain portion of the constabulary from a quiet county in aid of a county in a state of disturbance?

That is constantly done.

892. You were, I believe, sent down by the Irish Government at the time of the disturbance in Tipperary?

I was.

893. Was there a very great centration of constabulary force found necessary in that county at that time?

Very largely so; we had a large number from the depôt as well.

894. Without taking such an extreme case as that of Tipperary, but taking cases of elections and anniversaries of processions in the north of Ireland, does it not become absolutely necessary to use the constabulary as a moveable corps to the locality where danger is apprehended?

Certainly; as a proof of that, I can mention the case of the last 12th of July. In my county, where there is sometimes a dread of those anniversaries; at Dungarvon and Moy, and other places, we had additional men taken from other counties.

895. Supposing that any of the more active duties of the Revenue Police, not including in the question those duties which you think may be safely entrusted to the constables, were to be cast upon that force, would there not be a great danger of an impulse being given to illicit distillation upon the moving of the constables who were relied upon for the purposes of supporting the revenue?

I am quite sure that advantage would be taken of anything of that kind by the people immediately.

896. And the moving of the constables out of their stations to a neighbouring county is a matter of public notoriety, and probably a fair guess is made as to the time they may be absent?

They are very well watched.

897. Viscount *Canning.*] But if the constabulary were employed for revenue purposes only, so far as stopping spirits *in transitu*, and escorting prisoners, and perhaps in examining mills and kilns were concerned, but not in still-hunting, would

would the removal of a body of constabulary upon an emergency in that case give any stimulus to smuggling?

Not the least as regards the two first propositions.

898. Lord *Stanley* of Alderley.] If suspicion was likely to be created by the removal of a body of constabulary from one part of the country to another, might not that evil be avoided by a body being sent from Dublin, from the central depôt, on any particular emergency?

Yes; but then it is to be remembered, in taking away the local body of police, who are connected with the district, that no new body could be so effectual in their duties as they would be; if the original body is sent to a different place, having a party of new men would not be so effectual.

899. Would not the man, or the men, left in a particular station, have all the information that was requisite, and would not the body that would be sent from Dublin be the material force necessary to enable you to carry into execution the objects you have in view?

Yes, they might be.

900. *Chairman.*] A constable is purely a civil officer, and acts under the warrant of some civil authority; if he searches a house, must not he have the authority of a civil magistrate?

A search-warrant for it.

901. Does not the law with respect to the Excise Police differ essentially from the law regulating the constabulary, and do not the Excise Police, having probable cause to suspect a breach of the revenue law, go to search the house they suspect, without any special warrant?

I believe so: I know that the Revenue Police have powers more extensive than the constabulary.

902. Assuming that they have the power of resisting any obstruction in the execution of their duty by the actual use of fire-arms, are there any similar powers vested in the constabulary without a civil authority accompanying them?

If it is an obstruction to their duty, cases might occur; and so with the constabulary, if in the proper exercise of their duty they were obstructed to the death, I conceive they would be equally justified in using their arms; and with regard to the other force, I conceive that they would not be justified in using their arms, unless it came to the same extremity.

903. Do you think that a constable, if the obstruction was an obstruction not leading to the necessity of defence of life, would, without the command of a civil officer higher than a constable, have the power of firing into a crowd?

I do not conceive that they would, under any circumstances, without the command of an authority; and even I think the authority would not justify them, unless the exigencies of the case required it.

904. Lord *Stanley* of Alderley.] Do you think the law would justify the Revenue Police in firing under similar circumstances?

I think not; I am not aware they have any actual power with regard to that.

905. *Chairman.*] Supposing the constables to enter a house, if there was no force used in breaking the exterior door, would they have the power, without a civil officers' search-warrant, of breaking into the interior of that house, to search from the cellar to the garret, breaking every door, and ripping up every floor, in search of anything they apprehended might be concealed there?

Certainly not.

906. Lord *Stanley* of Alderley.] Have the Excise officers the full power of doing the same, or do they do it at their own peril, only to be justified in the event of their detecting something?

I cannot distinctly answer that question.

The Witness is directed to withdraw.

D. J. Cruice, Esq.

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DANIEL J. CRUICE, Esquire, is called in, and examined as follows:

907. *Chairman.*] YOUR office is that of Resident Magistrate, I believe, in Ireland?
Yes.

908. In what county?
Donegal.

909. In what part of the county of Donegal?
Glenties is the head quarters.

910. How long have you been connected with the service?
Sixteen years; since February 1837.

911. Have you served in other parts of Ireland besides Glenties?
In Mayo; I have served in Erris, the wildest part of it.

912. I believe Glenties, in the county of Donegal, is one of those districts in which unfortunately illicit distillation has been many times prevalent?
Yes, and still is.

913. Is Mayo, or parts of the county of Mayo, similarly circumstanced with respect to illicit distillation?
Yes; next to Donegal, more than any other part of Ireland I have been in.

914. Have you observed the effect which illicit distillation may produce with respect to the habits of the people and the public peace?
I have.

915. Will you describe what they are?
Most demoralizing, as regards the habits of the people.

916. Does it reach the length of distinguishing the parts of the counties in which illicit distillation prevails, from the parts of the counties where no such smuggling prevails?
Most certainly.

917. It is the duty of the resident magistrate to assist the local magistracy, and to administer the law at petty sessions, is not it?
It is his duty to administer the law at petty sessions, and, of course, in every way to assist the local magistrates, so far as they may require his assistance.

918. Have you had many cases in those two counties of other charges of illicit distillation and offences against the revenue laws brought before you?
Several.

919. Upon those had you to proceed to adjudicate?
Yes.

920. Have you, in the execution of those portions of your magisterial duties, obtained the co-operation and help of the local magistracy?
Certainly

921. Have you any reason to think that there was a want of firmness and readiness to administer that branch of their duties on the part of the country gentlemen who sat upon the Bench with you as magistrates?
Not the least, that I ever could observe.

922. What is the character of the constabulary force in regard to its efficiency and discipline, as far as your observations will allow you to judge?
Very good.

923. Have you had many charges made, or offences proved against that body?
Not many; as in every other force, there are some irregularities which have occasionally been brought under the notice of a magistrate to inquire into; but they are very few and rare as regards the force; they are, generally speaking, very well conducted.

924. Take their character as witnesses; do you find them upright and intelligent,

ligent, and, generally speaking, do they give evidence upon which you, as a magistrate, can rely?

Most decidedly; in very few instances have I ever been disappointed.

925. How do they appear to stand in the opinion of the country people in the districts where they are stationed?

Very high.

926. Have you known many or any instances in which there have been attacks upon the constabulary by the country people?

No, unless at elections, when they would attack the military as well as the constabulary.

927. Generally speaking, is there a feeling of good-will and confidence shown towards the constabulary?

The greatest; so much so, that the constabulary, if we wanted to find out anything through the country people, would be the first I would refer to, and they would find out anything necessary. The country people would tell them; they have great faith and reliance upon them.

928. Do you think that feeling of confidence and good-will is of importance in giving the constabulary a moral strength in the performance of their duties?

No doubt of it.

929. Can you tell us, with respect to the patrols of the constabulary, whether they go out in large bodies, or whether they go out in twos and threes?

Small bodies, twos and threes; it cannot be otherwise, there are so very few men at the stations; five would be the outside at the general run of the stations, and there is obliged to be always a man or two at the barracks, and probably there may be a man sick; they have to go out to patrol at night through the wildest parts of the country, and they never complain of a word being said against them; they are obliged to keep patrol books.

930. Are not those patrol books brought before the magistrates at petty sessions, and before the resident magistrate, consequently, and examined, signed and attested by the magistrate?

Always; and the magistrate in whose immediate neighbourhood the patrol is formed, is the person who reads it over first, and speaks to the constable upon the entries; for the constable is obliged to enter every night where he went that night, and when he left barracks, and when he came back, the different persons he met, and so forth, and the magistrate signs it, and hands him back the book; and I must just add, that in Donegal, where I am at present stationed, the county is principally proclaimed under the Crime and Outrage Act. I think it is owing to these patrols that we find things perfectly quiet and peaceable.

931. Was not the effect of that proclamation that an additional force of constables was placed there?

Yes.

932. Can you tell us what the number of additional constables placed in Donegal was under that proclamation?

Only from hearsay.

933. It was a considerable number?

I think I heard the county inspector say so: he is here, and will tell you exactly.

934. The question we have been examining upon has been how far the constabulary might be more especially employed than it is stated they are at present for the suppression of illicit distillation; what is your opinion with respect to imposing upon them increased duties in revenue matters?

I am afraid it would have the effect of destroying the usefulness of the force.

935. Will you tell us upon what facts you ground the opinion you have stated?

There are very many indeed; one would be, that it would interfere very much

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much with their own duties; so much so, that I think they should be increased considerably in numbers if they got that additional duty; but if they were at all to be employed upon that duty, I would recommend it to be in a totally different way, completely unconnected with the present force, to put it as a matter of duty upon them in the way of suppressing crime, and I would venture to say, that in 12 months they would put a total end to the thing altogether.

936. Earl of *Stradbroke.*] You mean they would put an end to illicit distillation?

Yes, I think so; put it as a suppression of crime, and I do think they would put an end to it in less than the time I have stated.

937. Lord *Stanley* of Alderley.] Without in any way interfering with their efficiency as a simple constabulary force for the purposes for which they are employed at present?

It would be entirely in this way, that the duty should be put upon them, not as revenue men, but as acting in the suppression of crime.

938. In what way would you propose that they should be employed and act?

Put the duty upon them to put it down as an offence; but connecting them with the other body, would totally destroy their usefulness and efficiency: there would be a kind of jealousy between them, and the constabulary would be considered by the country people acting as spies to the other body; in that way they would be lowered in the character they now hold in Ireland, and lowered even in their own estimation.

939. Do you mean that, in your opinion, if you were to entrust them with the entire duty of putting down this illicit distillation as a mode of putting down crime, they could be advantageously employed in that respect, and could do it without detriment to their own utility as a constabulary force?

If they were at all to be employed in that way, that would be how I would recommend it.

940. You stated before, that you thought they might be so employed as effectually to put down all illicit distillation in a short time?

Yes.

941. *Chairman.*] Could that be done without a very considerable increase to their number, say in the county of Donegal, at the present time?

I think they should be increased, because in Donegal they have not their quantity of police, as compared with other counties.

942. Taking the increased force that is now in Donegal?

It would be sufficient.

943. You are aware that there are about 250 Revenue Police in Donegal?

I do not know that.

944. Assuming that there are 250 Revenue Police in the county of Donegal alone, one-fourth of the whole strength of that corps in Ireland; do you think this duty of still-hunting, of going up the mountains and seizing the stills, and seizing the malt and the potale, are duties that could be performed by the constables alone without a considerable increase of the constabulary?

Not in that way; I think they should be increased; but I think the way they would do the duty would be different altogether.

945. In what way?

The Revenue Police stations are placed very far asunder, and they are obliged to have a party of men at each station, to be worked by an officer. The constabulary force are differently placed: their stations are dotted through the country, with a constable with them instead of an officer (except at head quarters), from five to nine men at each; and nothing could go on in their district without their knowing it; and no man in the district of that constable could be engaged in distillation, even while it was in preparation, without his knowing it perfectly.

946. Having stated that the police at their present strength have to patrol in parties of twos and threes; do you think that the condition of those men would continue

continue to be very safe, if they had been concerned in the destruction of stills, in the seizing of valuable property, and in the suppression of illicit distillation?

I think they would be in considerably more danger, no doubt, and that it would not be wise of them to venture those patrols in so small a force.

947. Do you think the peace of the country could be maintained, and the efficiency of the constabulary fairly realized, if those patrols were not established, and the surveillance of the constabulary force was not extended at least as widely as at present?

I think, as I said at the commencement, that the employment of the constabulary upon that duty at all would hazard very much their efficiency; that opinion is not in the least altered; I was asked another question, as to how they could be employed advantageously upon that duty at all; it was then I said that if they were at all to be so employed, I would only recommend it as carrying out the law, as a measure of duty in the way of putting down crime.

948. Lord *Stanley* of Alderley.] Have you not stated that you considered the constabulary, being scattered about in small localities, had a perfect knowledge and perfect information of any illicit distillation taking place; whereas the Revenue Police did not possess that advantage?

I stated, that if it was necessary for them to acquire that information, they could do it; at present they have nothing to do with it.

949. Earl of *Stradbroke*.] Would not they obtain information more easily than the Revenue Police can at the present time?

No doubt.

950. From the fact of their being located within four or five miles from station to station?

No doubt.

951. Lord *Stanley* of Alderley.] If they have, as you say, greater facilities, would they not be the best parties to be employed to suppress it?

If employed on that duty in connexion with the Revenue Police, their own efficiency would be destroyed; they would lose the confidence of the country, and both services would be materially injured.

952. In the answer you have given as to the employment of the constabulary, did you contemplate the entire abolition of the Revenue Police, and transferring to the constabulary their duties?

No; I think there would be great difficulty in that.

953. Earl of *Stradbroke*.] Though you have stated that a feeling would exist against the constabulary if those duties were imposed upon them; is it your opinion that that feeling would continue to exist for any great length of time?

I do not know; as to that I could hardly say.

954. *Chairman*.] Do you think that the same feelings of good-will and confidence that you have described as constituting the moral strength and support of the constabulary in their intercourse with the peasantry would be continued if that constabulary force was employed in such revenue purposes as seizing stills, seizing malt, seizing potale, seizing spirits, and administering the same functions which are administered now by the Revenue Police?

I do not.

955. Are there not, however, some functions that the constables could perform, such as the escort of prisoners convicted before a magistrate for revenue offences, without endangering their efficiency as a constabulary?

I think so; if a prisoner were once convicted, there would be no difficulty in handing him over to the constabulary, and I think the duties of the other service would be more easily carried out; in many instances they have to go 30 or 40 miles, and have no places in the intervening distance to hand them over from party to party; whereas the constabulary would take the prisoner on from one station to the other; therefore it would not in the slightest apply after the prisoner was once convicted; but until he was convicted, they could take no charge of him at all; but, once convicted, I do not see how it would interfere with their present duties.

956. Is there any reasonable cause for making a distinction between the duty

of the constable in sending to the county gaol a person convicted at petty sessions of a larceny, or of a petty assault, and transmitting to the same gaol a person convicted of a case against the revenue law?

Not in the least.

957. And will you say whether there might not be, without any risk of endangering the primary functions of the constabulary, a power exercised by the constabulary, near their own barracks and at their own stations, of stopping and calling to account men whom they had every reason to believe, from what they saw, were conveying illicit spirits from one place to another?

It would assist greatly in the suppression of illicit distillation if could be done, but I think it would have a bad effect as regards the force.

958. A constabulary being bound to arrest a man who appeared to be in the possession of stolen goods, would there be any distinction, in your judgment, between that power and a similar power to arrest and call to account a man who was passing opposite their barracks with kegs of whisky?

If an Act of Parliament were brought, in coupling that with other offences, such as larceny, and things of that sort, I do not think there would be any; but I think without that, if it was made part of their duty, it would make the greatest difference, because in Ireland the people, if they find that a man is employed to carry out the law in a direct way, entertain no bad feeling towards him; for instance, I feel as regards myself, that, as a resident magistrate, I would probably have less difficulty in carrying out the law in a stringent way than any of the local magistrates, and with no bad feeling towards me as there might be towards them. If an Act of Parliament was brought in coupling that with other matters, such as now stated, I think it might be done.

959. Lord *Stanley* of Alderley.] If those duties were imposed upon the constabulary by Act of Parliament, you think there would be none of that feeling or objection on the part of the people against the constabulary?

Not if it were done in that particular way. If a man, for instance, was seen passing their barracks, and they took the matter up the same as if the man had stolen goods in his possession, but not going out in search of it, or looking for information, but the matter then coming within his knowledge, then it could in that way be done.

960. *Chairman.*] Is not the mode in which the distillers frequently dispose of their spirit to carry them about on horse-back from the mountains?

Yes, I believe so; I believe that if the small retailers in the country did not encourage those people by buying it from them, as I believe they do in many instances, and mixing it with their other whisky, the thing could not be carried on to such an extent in Donegal.

961. Viscount *Canning.*] When you speak of small retailers, do you mean those who keep licensed public-houses?

I do; I believe they buy it largely, and mix it with their whisky; I do not understand how it can be that it is not detected in taking stock, because, if taken, it would be found that there would be 20 or 30 gallons in stock, whilst they could not show a permit for half that quantity.

962. *Chairman.*] What are the functions which the law casts upon the constables in the visiting of shebeen-houses or places where whisky is sold without a license?

It is now a part of their duty to be very strict in finding out those shebeen-houses; but they consider that to be connected with suppression of crime.

963. A police regulation?

Yes, a police regulation; all the illegal and bad acts in the country are planned there, and the bad people meet at those shebeen-houses, and the constabulary do not object to that part of the duty; it is, in fact, a part of their own duty as assisting in the suppression of crime.

964. Viscount *Canning.*] But still it would be part of their duty to visit and take cognizance of the shebeen-houses in which whisky was sold without a license, even though there might be no charge of disturbance or rioting having taken place within that house?

Yes.

965. And

965. And so far they visit the shebeen-houses in execution rather of a revenue law than of a police law?
It is more in that way certainly; but in that way the seller of the whisky, not the maker, commits the offence.

966. The act for which he is punished after the constabulary has visited and detected him in the act of selling whisky without a license?
Yes.

967. Which act is an offence against the revenue laws, and not an offence against the police laws?
Exactly.

968. *Chairman.*] Are they not equally bound to visit the licensed public-houses if they have reason to believe they are kept open at improper hours, or that improper persons are congregating in them?
Yes.

969. And without the suggestion or the supposition that illicit spirit is sold within, but with the knowledge that the house they visit is a licensed house, are they not bound by law and by their regulations to see that that house is regularly kept, that is, not kept open at improper times, or for the reception of improper people?
Certainly.

970. Lord *Stanley* of Alderley.] And is it not their duty to visit the shebeen-houses, even although there are no disturbances in them, and although they are not kept open at improper hours?
Yes, certainly, at all hours; they only visit the licensed houses if they see a light, or people drinking in them, after hours; the Act of Parliament specifies it is their duty to have the parties brought up before the authorities for keeping an irregular house: in visiting the shebeen-houses where persons are drinking and tippling, those persons subject themselves to a penalty, and the owner of the house also, for selling without a license.

971. Earl of *Stradbroke.*] The shebeen-houses may be visited at any period, day or night?
Yes, any part of the day or night.

972. Lord *Stanley* of Alderley.] The duty of the constabulary is to visit the shebeen-houses if they think there is anything in them contrary to the revenue laws, but to visit the licensed house only in case of irregularity, or anything done against the laws of the country?
Yes.

973. In the event of any quantity of illicit whisky being found in the shebeen-house, is it the duty of the constabulary to make a seizure of it, or what would be their duty in the event of finding spirits there?
They would take it, and hand it over to the revenue officer.

974. But it would not be their duty to make any seizure of the same description, would it, in a licensed house?
No; they cannot make a seizure at all in a licensed house.

975. Would you not, then, say that the act of the constabulary in regard to the shebeen-houses was an act in aid of the revenue laws, and in aid of the Excise, rather than in the protection of the ordinary law, and of the public tranquillity and peace of the country?
I think both, from their being strongly impressed with the idea that all illegal combinations are got up at those houses.

976. *Chairman.*] Have you known cases in which the supervisors or gaugers have brought before you, as a magistrate, cases of shebeen-houses?
I have no recollection of it; but I perfectly recollect being told by the Revenue Policemen and their officers that it was not any part of their duty to go to shebeen-houses; that it was the duty of the constabulary; I thought it was their duty, and that they ought to do it.

977. You are aware that under the 6th & 7th Will. 4, the constables are pro-

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hibited from being employed in levying tithes or tithe composition, levying rents by distress, or levying fines or penalties under any Act or Acts relating to the revenue, or enforcing any Act relating to game or fish, except where forcible resistance is made and proved on oath?

Yes.

978. And that by the subsequent Act for the levying of fines, where this power of levying fines upon forfeited recognizances and other fines is specially given in charge to the constables, those constables are prohibited in like manner, words being introduced into the clause to the effect, that the fines which they are to levy are not to extend to any fine under the law of the Customs, Excise, Stamps, or Post-office, nor any fines under the Game Laws?

Yes.

979. Do you think that principle to be a right one, or that it could be departed from with safety to the efficiency and discipline of the constabulary force?

I should say that I would recommend its being adhered to strictly, because, if a necessity should arise for employing them it can be done upon sworn information; if it was a general thing, there would be an abuse of it.

980. You have stated that the constables being distributed over the country in small detachments, and having intercourse with the people, have the means of knowing a great deal about this illicit distillation where it prevails; do you consider it would be expedient that they should be made the means of procuring that information, and transmitting it through their own officers to the Revenue Police authorities, so as to assist them by the knowledge they have obtained of the progress or extent of illicit distillation?

I think it would be very injurious to the force if such were their duty, as it would be immediately known by the people, and they would be looked upon as spies or informers for the revenue.

981. At the present time, by the direction given by the present Lord Lieutenant of Ireland, then Lord Eliot, when Secretary for Ireland, the constabulary are directed to communicate confidentially their observations with respect to illicit distillation, and to communicate it through their own officer; if that was done confidentially, and with prudence, do you think the inconvenience you have described would be likely to arise from it?

I think it would not be difficult to do it through their own immediate officer; in that way they might communicate, I think, anything, because there would be no way by which the people could have any knowledge of it; they are quite in the habit of communicating in matters of the greatest privacy in that way; but if that reporting was to go to another force, it would alter the thing entirely.

982. Therefore, the objection you would raise would be an objection to their communicating it through a different force to their own, rather than to their making known those practices which you have stated to be injurious to the peace of the country, as well as productive of loss to the revenue?

I think they could communicate anything to their own officer direct.

983. Viscount *Canning*.] And do you think that if their own immediate officer transmitted the information to the head quarters, and if from the head quarters of the constabulary it was transmitted to the head quarters of the Revenue Police, and so back again to the Revenue Police of the district, that it would become known, and so impair the efficiency of the constabulary, and impair the confidence of the people in them?

I think so; and I fear that it would be of no assistance, for this reason, that, from the length of time that would be lost in transmitting that information all through those departments from the county to Dublin, and then back again, the whole thing would be at an end, as the whisky would have been made and sold in the meantime.

984. Are you aware whether in practice that course has ever been adopted?

No; I know nothing of the constabulary private arrangements.

985. Do you think that there would be any great objection to employing the constabulary in examining from time to time, as they passed the places in their patrollings,

patrollings, the licensed kilns and mills, to discover whether there was any illicit manufactured malt, or any other smuggling transaction going on there?

It would all have the same effect; it would make them be looked upon as revenue officers.

986. Does that effect result from the course they now take in regard to shebeen-houses, and the illicit spirit found in those houses?

No.

987. How, then, do you account for it?

The people in Ireland are extremely shrewd; they know it is for a double purpose, the primary thing being to prevent those people meeting for illegal purposes.

988. They do, in fact, visit the shebeen-houses frequently at times when there is no reason to suppose that disorderly meetings are going on, do they not?

It is their duty to do so whenever they know such is going on.

989. Is not it also their duty to do so even when such is not going on, and when their object is only to discover illicit spirits on the premises?

I meant when the illicit whisky is there, that is, whenever they ascertain that whisky is there, or that the man is selling it, putting out of the question all other purposes.

990. You think that the population do not understand that as an act on the part of the constabulary for the enforcement of the revenue laws?

For this reason, those are not the people who make the whisky; they are small retailers in the little villages and towns that sell it, and they are not looked upon as smugglers.

991. Still the offence they commit in having that whisky upon their premises is an offence against the revenue laws?

Not as smugglers; it is an offence against the police laws, so far as being a meeting-house for persons going there to combine together to commit some offence; it is there they generally lay their plots.

992. Still, the holder of the shebeen-house is frequently punished for possessing illicit whisky without any reference to disorderly meetings at his house?

Decidedly.

993. *Chairman.*] But he would be equally punishable if he had no illicit spirit whatever, would not he?

For what?

994. If he was selling spirits without license, it does not require that it should be illicit?

No; selling licensed whisky by an unlicensed person would be the same offence.

995. In regard to any licensed public-house selling licensed spirits, if it was kept in an irregular manner, and had been kept open at bad hours, as a matter of police regulation the police would take notice of that house where no revenue question was concerned?

Yes, as a breach of order.

996. Is not it notorious and perfectly understood by the people that those shebeen-houses are generally places for the meeting of improper characters?

No doubt of it.

997. Therefore is not it notorious to the people that that is a police duty which the constabulary ought to be called upon to perform?

Yes, it is.

998. You have spoken of the possible mode of carrying on the suppression of illicit distillation, by conceding very much larger authority to the constabulary, putting their action upon the ground of suppressing crime, rather than suppressing smuggling; has it ever occurred to you whether, for the suppression of smuggling, it would be better to augment the Revenue Police, if that force is deficient in number, keeping the two establishments separate, or to add to the efficiency of the preventive force, by combining the constabulary with it?

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1023. Then the lowest class is that of constable?
Two classes of constables (cavalry and infantry), with two classes of sub-constables.

1024. Therefore there is a complete organization, and subordination of rank, and responsibility, from the lowest sub-constable, to you as County Inspector?
Yes.

1025. Amongst the duties they perform, are they required to report to you with respect to their moral conduct as individuals, as well as to the official conduct of the constables under their command?
Yes.

1026. Do this authority and this subordination of rank you have described, and that continuity of report, enable you to judge with accuracy of the general conduct, condition and discipline of the constables under your command?
Certainly.

1027. What is the general condition in reference to its efficiency, their discipline, and their moral conduct of the constabulary over whom you are placed?
I should say very good as a body.

1028. You have frequently had occasion at assizes, and at sessions, I presume, to judge of the conduct of the constabulary when brought forward as witnesses?
Yes.

1029. Has that been, in your judgment, such as, both from your own observation, and from the opinions of magistrates and judges, by them expressed, and by the verdict of juries, to give you a confidence in the good conduct of the men?
Generally so; they almost invariably meet with approbation, and often the expressed gratitude of the unhappy person, or persons, on trial.

1030. Supposing exceptions to exist, which, of course, in a corps of 12,000 or 13,000 must occur, would any defect of moral conduct be the cause of immediate dismissal?
What we call really improper conduct, would be the cause of dismissal; but there are several other modes of punishing.

1031. What are they; is degradation in rank one?
Degradation in rank; suppose for a year, or different periods, in the rank of sub-constable, and reduction from a head-constable or constable to the rank of sub-constable for an indefinite period, or a fine imposed, as the case may be. On slight offences I have the power myself, as a County Inspector, to fine to the amount of 7*s*. all ranks under me, except that of an officer, and to remove men from one station to another, according as I find them not well suited for their present station, or that they have misbehaved in any way; for instance, on the complaint of a magistrate, or the district officer, that a man did not give satisfaction at his station, I would feel it my duty, after inquiry, to remove the man, if I found there was sufficient grounds of complaint.

1032. Take the instances of special good conduct to arise, have you the means of rewarding, as well as punishing?
I have the means of recommending for promotions, or other distinctions.

1033. What are those distinctions?
There is a badge of distinction called a chevron, which entitles a man, on his retiring from the service, to a certain sum, in addition to what he may be entitled to for his length of service.

1034. Do you think that a pecuniary benefit arising from the ultimate retirement of the constable has any tendency to degrade him, or rather, whether it is felt to be an honourable reward?
It is an honourable reward, and greatly prized and sought after, as it is purely a mark of merit.

1035. You are aware that in the Revenue Police pecuniary rewards attend particular services?
I believe so.

1036. Two pounds for the capture of a smuggler, and so much for the capture of the implements of smuggling, or the grain, or the spirits in course of manufacture?

I understand so.

1037. Should you consider that this species of reward produces the same effect upon the discipline of the force, and the conduct of the men, that the honorary distinctions which you have described, accompanied by an ultimate amelioration in the pecuniary condition of the man, produces in the constabulary force?

I would be against the constabulary receiving any pecuniary reward whatever for any duties imposed upon them, except what is in existence at present, from the Reward Fund for special service—I mean our own Reward Fund.

1038. What effect do you think it will produce on their minds?

First it would, I fear, interfere with their discipline, or with the due performance of what is generally required of them, and preference might be given to the one duty beyond another.

1039. You think that the more profitable duty would be preferred to the more important one?

I think it might have that tendency in some instances: I am against giving any pecuniary reward to the constabulary more than in payment of their personal and ordinary expenses in pursuit of prisoners, or those charged with offences, which is three times checked before the man can possibly receive it, when it becomes a charge to the public, such as his car or coach-hire, and reasonable expenses, except, as I have before stated, from the constabulary Reward Fund.

1040. Have you served in other counties besides Donegal?

Yes.

1041. In what other counties have you served?

I served in the county Galway, adjoining the counties of Tipperary and Clare, as first-class Sub-Inspector; that was my last rank there, nearly 21 years at one station.

1042. Have you observed any distinction in the habits of obedience to the law in the population of the counties where illicit distillation prevails, as compared with counties where no such practice exists?

I have.

1043. Will you state what the distinction is you would draw between the one case and the other?

Where illicit distillation is not carried on, I should say the people appear more orderly and obedient, both in respect of their duties to God and man, and more remarkable for honest, industrious habits.

1044. What, in your judgment, would be the effect upon your own force, the constabulary, if they were to be employed in addition to their present duties upon revenue duties connected with the suppression of smuggling?

I should say that if it was imposed upon them by law to suppress smuggling, they would act as efficiently in that respect as they have been found in their other duties; but I consider that such a measure should be used very cautiously, as it might have a tendency to interfere with the interior economy, position and discipline at present existing, which works so admirably well; I would not be prepared to say that it would actually have that effect; at the same time I should be afraid of it, and look with a very jealous eye upon the matter.

1045. Applying myself to particular duties, do you consider, for instance, that it would interfere with the discipline or efficiency of your corps if they were charged with the transmission and escort of revenue prisoners convicted before a magistrate, in the same manner they escort prisoners of any other description to the gaol?

I do not think that it would, with this exception, that it might often arise that those prisoners might not be handed over to them in the manner in which they might consider they should, or as if they had them in charge from the commencement themselves, and that arguments and dissensions might arise as to the transmission of the prisoners from one force to the other.

 1046. Suppose

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I am very clear, as far as my opinion goes, that combining the constabulary force with the other would destroy the efficiency of them both, particularly the constabulary.

999. Do you think it would expose the constabulary to temptation, either in the way of drink, or in the way of bribery?
I have no doubt it would.

1000. Have you known any cases in which the common mode of bribing on the part of the illicit distiller, by sending presents of kegs of whisky and illicit spirit, has been resorted to?
I could not say; besides, it would not be fair, speaking of the service, to say anything upon hearsay, and I could not say of my own knowledge, for I know nothing of that personally.

1001. The constables in the discharge of their ordinary duties are not exposed to the temptation of money bribes, are they?
No.

1002. If they were employed for the suppression of illicit distillation, do not you conceive that they would be exposed to the temptation of the bribe of the distiller, who had a pecuniary interest in escaping their detection?
They would be exposed to it, no doubt.

1003. You are aware that under the revenue laws the Police are now encouraged and stimulated by pecuniary rewards, such as 2*l.* for the arrest of a prisoner, and other rewards for the capture of malt and spirits; would that be a system that you think could be safely introduced into the Police?
I think not.

1004. What effect do you think it would produce upon the Police?
I think their other duties would be neglected; for it is only natural to suppose that as they would be better paid in that way, they would work the way they were best paid.

1005. Do you think that the moving of the constables from place to place, and their concentration at fairs, sessions, assizes, elections, and places where riots were apprehended, would be consistent with their steady and permanent action in aid of the Revenue Police force to suppress smuggling?
I do not think it would.

1006. Viscount *Canning*.] When you speak of the risk of exposing the constabulary to receive bribes in the shape of whisky from illicit distillers, in case they were employed for the suppression of illicit distillation, is not that a risk which is necessarily incurred by any force that is employed for the suppression of illicit distillation?
No doubt of it.

1007. Is not the Revenue Police necessarily exposed to that risk?
I suppose so.

1008. Do you think the efficiency of the Revenue Police has been impaired by being exposed to receive bribes of that nature?
I never knew of it.

1009. Is it quite fair to the constabulary to suppose that they would be more susceptible of corruption than the Revenue Police?
I would say less.

1010. *Chairman*.] Is not the organization of the Revenue Police much more of a military organization; do they not act in much larger detachments, and are they not subject to much stricter military rule and government than is applicable to a purely civil force like that of the constabulary?
No; if I were to judge from discipline, I would say it was the other way; that of the constabulary is far superior.

1011. Lord *Stanley* of Alderley.] They partake more of the military character than the Revenue Police?
Far more, as far as they have come under my knowledge.

1012. In the apprehensions that you have stated, that the efficiency of the constabulary

constabulary might be impaired by their being employed in protecting the revenue laws, do you contemplate their being employed in all the duties which the Revenue Police are now employed in detecting illicit distillation?

It was not defined to me what duties they were to be employed upon; I am not aware of them, except the particular things which were mentioned.

1013. Was it upon the supposition that they were to be employed altogether in the same duties as the Revenue Police that you gave your answer?

Or connected with the other force at all, I would say.

1014. You have already allowed, have you not, that some exceptions might be made?

Transmitting prisoners.

1015. You think that is the only duty they can act in with efficiency in addition to their other duties?

Yes.

1016. *Chairman.*] Did you not also say stopping the transit of spirits?

I am against that; I am against their interference in any way but transmitting prisoners, that is, viewing the efficiency of their force, and the effect on the constabulary in rendering them less beneficial: I think the transmitting of prisoners would ease the duties of the other force; for if they convict a man before a magistrate, they have in many instances to convey him a distance of 40 or 50 miles to the county gaol, and then three or four of those revenue men have to go; for they even require a larger force than the constabulary; they will not venture with the same force the constabulary men would; I have known three or four of the constabulary bring in eight or ten prisoners through a mountainous district.

1017. Without any attempt at rescue?

Without the slightest; I never saw an attempt at rescue from the constabulary men.

The Witness is directed to withdraw.

MR. PATRICK HOBART is called in, and examined as follows:

1018. *Chairman.*] WHAT is your office in Ireland?

County Inspector of Donegal.

1019. Will you explain to the Committee what the duties of County Inspector are?

The duties of a County Inspector are, in the first place, to superintend the constabulary of whatever county he is appointed to; to see into the interior economy of each station; to visit it quarterly, or four times a-year, and see that the regulations are strictly attended to, and the barracks kept in proper order; to make reports and periodical returns to the Inspector-general; to receive reports from every officer in his county of any crime committed, and of the conduct of the men; to see that each officer inspects every station himself in his district once every month; and to make a return of all his other duties, together with sending quarterly and monthly and other returns to him; to look over the whole financial accounts of each officer under his orders once a month, and certify as to their correctness with respect to all pay, and other allowances, for himself and the men under his command, and to see that there are no causes for complaints in this respect.

1020. Will you explain what is the next class of officer under your authority with whom you are more immediately in connection?

There are three classes of Sub-Inspectors, first, second and third-rate, all having the same powers as respects their duties.

1021. And it is their duty to report to you any occurrences?

Everything of any consequence connected with the peace of the country or the force under their orders.

1022. What are the officers immediately under them?

Head constables; there is a first and second-class of head constable.

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1046. Suppose that the rule was, that every prisoner convicted at petty sessions, whether for revenue offences, or for offences against the ordinary law, was to be transmitted to the gaol by the same authority in the same manner, and under the same description of magisterial warrant, is there any possible inconvenience that you think could arise from that?

I do not think any possible inconvenience could arise from any prisoner handed over by a magistrate's committal at petty sessions, or where the magistrate was present himself.

1047. Do you not think it is fairly the duty of the constables?

I think it is the duty of the constable, provided he has the magistrate's warrant; he ought not to inquire what the prisoner is convicted for, but show willing obedience in the first instance, and submit the question after for future instructions, if necessary.

1048. Viscount *Canning*.] Has it ever been the practice within your recollection for the constabulary to take that duty upon them, namely, the duty of conveying to prison offenders who have been convicted of an infraction of the revenue laws?

Yes, it has.

1049. It is not the practice now, I believe?

No.

1050. When did it cease?

Some years since.

1051. Can you speak to the reasons which led to the cessation of that practice?

I am not clear upon it; but I think the objection arose in the way of the revenue prisoners, perhaps, being detained, and obliged to be detained, when handed over to the constabulary in their barracks all night previous to going to bridewell; part of the instructions was, that they were not to be escorted from the district bridewell until it was necessary to escort other prisoners for other offences, which, I think, led to the rescinding of the order.

1052. *Chairman.*] Do you recollect exactly about what time it was?

I think not for the last 10 or 12 years has there been anything like escorting revenue prisoners.

1053. You see no inconvenience in that?

No, not at present; I consider there could be no objection, if considered useful to the public service.

1054. You do not see any principle by which a magistrate's warrant to commit to gaol can be distinguished when put into the hands of the constabulary, whatever the character of the offence may be?

On the contrary, when a magistrate commits a prisoner, the constabulary have a right to take him, and show ready obedience to the magistrate's authority, as I before stated.

1055. It has been stated before the Committee, that the sale of illicitly distilled spirits is promoted by the open and unchecked manner in which spirits are transmitted by the distillers to the place of sale; that such spirits are frequently transmitted in bags on horseback, that the man is known perfectly, that his object is known, and that he frequently passes the constabulary barracks, and the towns and villages in which the constabulary stations are, and that there is no authority by which that offender against the law can be stopped by the constables; do you think any inconvenience to the discipline and order of your corps would arise if they had authority to stop persons under such circumstances, to ask whether the spirits were accompanied by a permit, and to hand the spirits over to the Revenue Police in case they found they were illicit spirits?

I think it would greatly interfere with their position having to hand over spirits, or anything else, to the Revenue Police.

1056. In what respect?

Giving that or any other particular portion of the revenue laws to them to check, I think would, perhaps, not be correctly carried out; in my opinion, it would

would be very difficult indeed to blend the duties of the constabulary with the Revenue Police duties, without injury to the former force.

1057. In what respect?

I think they would consider themselves, and they would be considered by others, subservient to the Revenue Police, which it would be very difficult to bring them to, and any attempt to do so, I am satisfied, would create discontent and dissatisfaction.

1058. Is there at the present time existing between the peasantry of the country and the constabulary, generally speaking, good-will, confidence, and an indisposition to any acts of violence or obstruction against the constabulary?

There is the best possible feeling towards the constabulary by the people; I speak more as to that in the south or west of Ireland than from what has come under my notice in my present district.

1059. Have you known frequent cases in which that confidence is shown by the selection of a constable, or an officer of the constabulary, as a referee by the peasantry themselves to settle their little disputes?

No doubt; for a constable in charge of a station has frequently decided cases that would puzzle a magistrate to decide in his capacity, giving an equitable arrangement, perhaps, that the magistrate would not feel bound to interfere in, or right of him in that capacity.

1060. Have you known instances in which information important to the public peace has been the result of this confidence between the peasantry and the constables; has this been made known to you as a superior officer, and acted upon?

Yes, frequently; I have often received most valuable information myself without fee or reward; in fact none would be accepted; but I have no cause to say that I have had that experience in the county Donegal.

1061. Are those cases frequent, and has that communication, being the result of good feeling of confidence between the people and the constables, been of importance to you in the preservation of the public peace in the district in which you are?

I cannot say, while there exists good feeling towards the force in my present district, that there is a disposition to interfere in those matters on the part of the farmers and people generally.

1062. Do you think that this would continue if the constabulary were known to be employed in aid of the revenue interfering with the pecuniary profits of any considerable mass of the people, and suppressing practices not constituting a moral offence, but an offence against the distillery laws alone?

I should say that with respect to any duties imposed by law generally upon the constabulary after they had become known for some time, and fairly administered, any odium supposed to be upon it in the commencement I think would soon wear away from the minds of the people.

1063. But, in the first instance, do you think that the employment of the constabulary for the active duties of the suppression of illicit distillation would have a tendency to alter the good feeling that you have described to exist between them and the peasantry, and the farmers?

In the first instance it might in a great degree.

1064. What would be the effect?

Ultimately, from the discipline and manner in which the rules laid down for the constabulary are carried out, and supported as they are by the magistrates and gentry, and the well-disposed of every class, I should think it would not last long.

1065. Is not it a part of the duties imposed upon the constables by law to visit both the public licensed houses, to see that they are regularly kept, and not open at illegal hours, or for the reception of bad people, and also to visit the shebeen-houses, where spirits are sold without a license?

It is their peculiar duty, and they do it.

1066. Viscount *Canning*.] When you say it is their peculiar duty, do you mean it is the duty of the constabulary alone, and not of the Revenue Police to visit the shebeen-houses?

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I never heard that the Revenue Police did; I do not say they do not, but I never heard of it.

1067. *Chairman.*] Have you never known cases reported to you from petty sessions in which those proceedings have been instituted by them?

No, I never knew an instance.

1068. Are there many cases within your knowledge, as Inspector, in which the constables have brought such cases forward, and procured convictions?

Yes, certainly.

1069. And if you went by your own observation, or by actual report, that the duty of visiting such houses had been neglected by any of the constabulary under your authority, should you at once consider that neglect calling for your animadversion or interposition?

Certainly; they would meet with my censure, if not punished by removal of the man from the neighbourhood.

1070. Are you not aware there are many difficulties of a technical nature in procuring evidence upon which you can ground the conviction of those shebeen-houses?

Yes.

1071. Has it ever been suggested to you, or has it occurred to you, how the law might be strengthened or simplified in that respect, so as to make the punishment more clearly and easily enforced?

I consider the existing law with regard to shebeen-houses is one of the readiest we have had for some time, as the owner of a shebeen-house by repute, when persons are found tippling or drinking in the house, becomes liable to a penalty, and may be brought before the magistrates by summons, grounded on an information that has been acted upon, and prosecutions have taken place, and convictions obtained.

1072. Have you reason to know that those shebeen-houses afford great facilities for the assembling of improper characters, and the planning of illegal acts?

I believe they are established on purpose for that object, and the owner (if a man) connected with some confederacy of an improper character.

1073. Therefore, upon the general ground of suppressing crime, is not it of the first importance that the full power of putting down those shebeen-houses should be vested in the constabulary?

Yes, certainly; nothing more desirable, in my opinion.

1074. Supposing there were no such thing as Excise regulations, and supposing there were no such thing as duties upon spirits, could you rely upon the efficient enforcement of the ordinary law, if places where fermented and spirituous liquors were sold were not made the matter of police regulation and visit?

I should say it would be most difficult to preserve any sort of order; these houses would not only become pests, but dangerous to society, as they are in a great degree at present.

1075. Viscount *Canning.*] In visiting a shebeen-house, and in the event of the constabulary finding spirits within it, their practice is to seize the spirits, is not it?

No; the constable takes down the name of the owner of the house, and the persons found tippling in it, first seeing that they have had whisky drinking, and lays an information before a magistrate, who issues a summons; then the case is heard, and a conviction, if properly proved, follows.

1076. Do I understand you rightly, that if one of the constabulary went into a shebeen-house, and found sundry bottles, or a cask of whisky, in the shebeen-house, he would take no measures to secure that whisky?

No; it is not usually done, although it sometimes occurs; the whisky exposed is generally very trifling, and the constable does not feel he has sufficient power to search the premises.

1077. In the meantime the whisky may be disposed of as the owner of the shebeen-house may please before any measures are taken?

The

The constable satisfies himself that the people were tippling in the house, and that it was a reputed house for the sale of whisky, and unlicensed, upon which he grounds his complaint.

1078. It is necessary, in order to the case's proceeding further, that he should find whisky upon the premises?

Find the people engaged in drinking, by having the vessels on the table; he enters the house, and finds parties assembled with the usual implements for drinking whisky, which he examines, and finds to contain a greater or a lesser quantity, and the person who holds the house, male or female, using ownership over it; the constable knows the name of the owner of the house, and he knows it, perhaps by repute, to be a shebeen-house, and he summonses the parties found in the house, and the owner, and the magistrates will judge of the entire case, and convict, or otherwise.

1079. Is it always essential that he should be able to prove the bad repute of the house?

Yes, for this reason: those people would immediately start up, and say, "Those are only friends, and we are treating them."

1080. Then that is the only security which a person honestly holding a private house, and honestly giving his friends a glass of whisky to drink, has against being considered the owner of a shebeen-house?

Yes, so far as I know, observing that there is always some mark for a shebeen-house.

1081. *Chairman.*] That would be the case if you were not able to give direct evidence of the purchase and sale of the whisky within?

Yes; it is never resorted to otherwise.

1082. But if you could prove that the whisky which was consumed was bought, then you would have no necessity of resorting to the question of common fame against the house?

No; but it must be recollected that they resort to all manner of expedients to prevent detection; in many instances where prosecutions were laid under a former law, persons would come forward, and have no scruple to swear, because they were returned the money that they paid for the whisky, they did not purchase or pay for it; that has occurred to myself; I have brought up persons where the money was returned, and the people have sworn they never paid for the liquor, and the prosecution has fallen to the ground.

1083. Viscount *Canning.*] In practice, is not the case very rare in which you are able to prove the payment for the whisky?

It is not now called for.

1084. The repute is sufficient?

The repute is sufficient: an honest man, if you bring him forward, will not forswear himself; he will swear that he did pay for it; we had a practice when the country was very much disturbed, and it was very much desired to put down those houses (we found it a bad thing afterwards) of sending a man dressed in coloured clothes for the purpose of buying the whisky, and prosecuting; but that we did not find to work well; it was considered degrading to the force; but something should be done to break up these establishments of infamy and vice.

1085. Then your evidence rests upon the honesty and the good faith of the person found drinking the whisky there?

Generally, or the repute of the house.

1086. But if those shebeen-houses are frequented by people who meet there for the purpose of infringing or planning infringement of the law, are they people upon whose good faith and word you could place confidence?

Not those men; but others may go into the house to drink who are perfectly honest; supposing the case of a traveller, or any person returning home from fair or market, who may be induced to go in there, the constable would watch those people, and summon them to give evidence.

1087. Then if the holder of a shebeen-house is punished for supplying those

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well-conducted people with whisky, his offence is an offence peculiarly against the revenue laws, and not against the police?

Decidedly that is the offence for which he is punished; but the object of the constabulary is to break up the shebeen-houses.

1088. He is brought to punishment by the constabulary for the offence against the revenue laws, and not for creating a disturbance or offence against the peace laws?

Precisely; but the object of the constabulary is to keep those houses down, and prevent illegal meetings being held in them.

1089. You would not refrain from punishing the holder of a shebeen-house, however you might be convinced that the persons frequenting his house were honest, well-conducted people?

Certainly not upon principle; the persons who generally resort to such houses are rarely well-conducted.

1090. *Chairman.*] Supposing that in visiting a house you found a quantity of spirit, whether it was illicit, or whether it was licensed spirit, unless you were able to establish ill-repute against that house, or to show that the spirit had been sold and consumed there, could you proceed against the owner at all?

No; we should not mind any quantity of whisky in the man's house.

1091. Supposing it was illicit spirit, would your constables have any authority, unless there was a violation of other laws, for seizing it, or would they be competent judges to know whether it was illicit spirit or not?

No; they have no authority to interfere with whisky under such circumstances; they might or might not be judges of the description.

1092. Viscount *Canning.*] They are judges of whether the man has a license to sell any whisky?

They know he has no license, or otherwise he would have a board over his door; and he cannot have a license without the constabulary of the district renewing his certificate that he keeps a good and orderly house.

1093. Though the whisky may be Parliament whisky, the sale is secret?

Yes; and liable in the same manner as if it was illicit whisky.

1094. And it is for that illicit sale the constabulary bring him to justice?

For keeping the house for the sale without license.

1095. *Chairman.*] Supposing a party to be conveying the spirit from one place to another without a permit, that being an offence against the Excise laws; would your people have any authority on that ground to stop and seize those spirits?

None whatever.

1096. Are there any cases of offence purely against the Excise laws in which they have any power of interfering?

They have no authority nor instructions.

1097. And you consider it would be essential to the peace laws of the country, whether there were Excise laws or not, that they should interfere with respect to the due management of houses where spirits are sold?

I think there can be nothing more essential than that the constabulary should have a perfect law to enable them to keep a proper check upon all houses open for the sale of whisky.

1098. What is the regular establishment of constables for the district you act in?

The Parliamentary establishment for the county Donegal is 176, in which I am Inspector.

1099. What is the amount of the force that you have there at the present time?

Three hundred and sixty.

1100. What was the ground of the increase?

Different acts of disturbance from time to time: the constabulary of Donegal are under eight different heads; I think some are chargeable upon the townlands, and at particular places others upon parishes; some upon baronies and half-baronies,

half-baronies, and others upon the county at large; I mean the augmentations, or men on temporary service.

1101. Those rather have reference to the cases of disturbance which have occurred, and which have required the increase of the force?
Yes.

1102. I presume by the course of law and the practice, with which you are familiar, that when those cases of disturbance cease, it will come under the consideration of the Government and of Sir Duncan M'Gregor to consider whether that increased force might not be reduced?
Yes; they are generally reduced or withdrawn whenever the magistrates apply for a reduction in such cases.

1103. Supposing, in addition to the present duties of the constabulary revenue duties, in a county like Donegal, where illicit distillation has prevailed, it were to be imposed upon you, would it be practicable to reduce that force in the same way as where the duties of the constabulary are confined exclusively to the preservation of the public peace?
That would depend upon how it would operate upon the public, and upon those smugglers, the constabulary having charge of that particular duty.

1104. If the state of the public peace now requires an addition beyond the Parliamentary standard, under the law, as it now stands, in reference to your present duties, could the force, when the county gets tranquil, be reduced to the Parliamentary standard, if the duties of the police were to be augmented by imposing upon them the revenue duties?
No; for this reason, the county of Donegal has been under-policed at all times, and most likely a further increase may be required under such circumstances, at least for some time.

1105. Is not the portion of the excess of charge occasioned by the increased amount of constabulary in the county of Donegal at present paid for out of the county and local rates?
A moiety, which constitutes one-half.

1106. Then if, for revenue purposes, you were compelled to keep up that increased establishment, when by the state of the county you would be able to reduce it, would not the effect of that possession of revenue duties be to cast the expense of collecting the revenue upon the local taxation?
Yes, if the class of force at present employed were to be kept up; but I should say the Government would have to consider that; it would be unfair to put it upon the county: and, in justice, I beg to make this observation, that it would be only fair to reconsider the number of the permanent force for Donegal, which certainly are too few under any circumstances.

1107. Do you consider that the officers and men that are under your command would act satisfactorily if they were brought into combination with the Excise force, and called upon to work with them, as well as under their own officers?
I am satisfied there could be nothing more unpopular to the constabulary: from what I know of them, I am satisfied they would not co-operate, and that any arrangement of the sort would lead to unsatisfactory results.

1108. Do you consider that the character and position of the candidates that you now have for constabulary appointments would be lowered, and that men who are willing to join you for your present duties would not be willing to enlist under you if they were to be applied to the Excise duties?
It would not interfere in that respect, I think; I find the Revenue Police can get recruits when they require them.

1109. Do you find the same facility in getting the same character of recruit for your constabulary now that you used formerly before the large emigration took place, and before the effect produced upon wages by the increased demand for workpeople was experienced?
No; they may be as good men, but they are not the class of men we got some few years ago.

1110. Have you been obliged to alter your standard?
Lately, for the time being.

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1111. Practically speaking, there is not the same facility in obtaining the same classes of people you formerly felt?

No; 15 or 16 years ago we got the farmers' sons; but they very rarely offer themselves at present.

1112. Viscount *Canning*.] Do you believe that the Revenue Police are recruited from pretty much the same class as your own force?

I should say so, very nearly; I do not see much difference, unless that I believe a preference is given to the constabulary by those who consider themselves qualified for it in every respect.

1113. When you spoke just now against the co-operation on the part of the constabulary with the Revenue Police for Excise purposes, you did not intend your objection to apply to that limited co-operation of escorting prisoners, and of examining and stopping spirits *in transitu*?

I meant, that the stopping of spirits, and handing it over to the Revenue Police, would be objectionable to the force, or anything of that sort, because they would consider themselves subservient to the other force.

1114. Suppose, instead of handing it over to the Revenue Police, they delivered it to their own officer, and their officer were directed how to deal with it by the Government, what should you say then?

That would be rather a question I could only be prepared to answer when I knew what arrangement Government would make, or propose.

1115. Supposing the arrangement were such that no constable of your force should be under the authority, or be called upon to receive the commands, of the officers of the Revenue Police, or for any communication with them, except through his own officer?

If directly or indirectly in any shape or way he were to be considered to be an assistant to the Revenue Police, he would object greatly to that, and there are very few of the men of the present standing who would not feel it to be a grievance.

1116. *Chairman*.] You have referred to the duties of the constabulary with respect to the shebeen-houses?

Yes.

1117. It is imposed upon them, as part of the constabulary duty, to visit and obtain convictions to prosecute and to punish?

The law gives that power.

1118. Suppose the law dealt precisely with the transit of spirits within reach and observation of the police, not making it incumbent upon them to go in search of the spirits, or to act upon any revenue authority, or to obey or to report to any revenue authority, but that, as a constabulary duty, they were required, if they saw the transit of spirits through the towns and villages, to stop the man, if they found he was unaccompanied by a permit, and to bring him before the magistrates as a municipal offence, and to punish him for the matter of fact clearly provable; would that diminish their efficiency?

I do not think it would diminish their efficiency; but I would be greatly afraid it would bring them under the class of assistants to the revenue department, which is the objection.

1119. Viscount *Canning*.] Would not that same objection apply to their taking charge of prisoners made by the revenue force?

No; the prisoner is a convicted person, and is given in charge to them under the authority of the magistrate; and with regard to anything coming from a magistrate, that feeling is gone altogether: they know they must follow everything the magistrate's warrant directs when the man is handed over to them. Those men study all those things that concern them in any way, I assure you, and strongly feel themselves worthy of every consideration.

1120. In practice, does it never occur that a member of the constabulary force coming across information in respect of illicit distilling, takes means for communicating that information to the revenue force?

I am sure they would feel bound to report direct to the Inspector-general, and that was done, and sent to the department of the Revenue Police; some of those communications were discovered, I believe, as coming from the constabulary.

1121. Discovered by whom?
By the people; I never, in travelling through Donegal, when I see anything like distillation, neglect to communicate it to the Revenue Police officer at Letterkenny.

1122. Does the knowledge of your practice of expecting that from your force operate in the manner you describe in discouraging them?
I believe the smuggler does not wish the constabulary should know his movements; they are not obliged to report direct to the revenue; but there is a form of report sent to the Inspector-general, usually headed "Illicit Distillation," and the question put, "What means have you to ascertain it?" they would say, "I saw" so and so "in a townland or parish," and so on.

1123. Do you not suppose a constable is sufficiently intelligent to know the communicating of that information on his part is an act which has no other purpose than that of giving information to the Revenue Police?
No doubt he knows that is the object.

1124. And thereby assisting the Revenue Police?
No doubt; and no objection would arise to give that information in that way.

1125. They do not feel an indisposition to help in the Revenue Police in that way, though they would feel an indisposition to helping them by stopping the spirits?
They would have no indisposition to communicate anything to their own officer, or the Inspector-general; that is their duty, and they do it.

1126. It is communicating to the Inspector-general matters that do not concern the police law, but which do concern the revenue laws?
They have an order to do that.

1127. Do they not know that the object of that order is to facilitate the operations of the Revenue Police?
Certainly; and in many instances they communicate direct to the Revenue Police.

1128. Suppose they had an order to stop spirits in transit, as they were carried past their barrack, would not they do that as willingly as they now convey any information?
They would do anything willingly that they were ordered to do; but whether they would do it in an efficient manner, considering that they would be acting as a sort of secondary Revenue Police, I question very much; it is difficult to get men to do what they totally dislike.

1129. But does not the objection apply as much in one case as the other?
No; a printed form filled up, and put into the post-office, directed to the Inspector-general, cannot be considered by the constable objectionable, no matter what information it contains: the form to which I refer, is marked "confidential."

1130. *Chairman.*] Would there not be this difference, that the one would be an open avowed act, done in the middle of the street, and in the observation of the people, namely, the seizing of a person conveying spirits, and that the other would be the confidential report you have just described?
They are quite different: it has ever been the practice for the constabulary to inform the heads of the force and Government on the state of illicit distillation in the form of a confidential report.

1131. Viscount *Canning.*] Do you think that the fact of its being done confidentially and secretly, and unknown to the population, makes a difference in their estimation?
Yes, it does, I am certain: it is perfectly understood that every occurrence in the country, the most trivial matter, is reported by the constabulary, and that it is their duty to do so; therefore it is different to giving the information direct.

1132. Lord *Stanley* of Alderley.] Does it often come to the knowledge of the constabulary that illicit distillation exists where the constabulary do not give the information to the Inspector?

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I do not think it could be; in some places it is not found necessary, I believe, to send the form out, where the Revenue Police are in numbers: no forms have been sent, for instance, to me to Donegal.

1133. Is it your opinion that illicit distillation can be carried on extensively in any district without its coming to the knowledge of the constabulary?

No, certainly not: I never travel through the county that I do not take some notice of it, and latterly I consider it on the increase: some very glaring acts of illicit distillation have recently come under my observation.

1134. In all such cases, when it comes under your own observation, or under that of your force, do you make communication to the proper authorities?

At present, in my county I do not know if any of the forms referred to are in it; none have been sent through my office since I took charge; perhaps it is because there are such a number of Revenue Police stations there, the forms of report do not come at present; when I was in Galway we had them; however, there may be a supply of them in the different districts.

1135. Who were those forms furnished by?

The constabulary office.

1136. What is the nature of those forms?

Whenever a constable discovered that illicit distillation was going on, or about to take place, he gave the name of the townland, the parish or place, and his reason for thinking so, and this was directed to the Inspector-general of constabulary, with the object of having it transferred to the commander of the Revenue Police.

1137. Were those forms furnished by the Inspector of the constabulary?

Yes.

1138. To every member of the force?

To every station; but I have not seen any in Donegal; however, they may be there.

1139. What were the directions sent with those forms?

To have them sent direct to the Inspector-general.

1140. Directions were given to the constabulary, wherever those matters came within their cognizance, to give that information?

Yes.

1141. Viscount *Canning*.] Do you consider the fact of your not being in possession of any of those forms exempts your force from the obligation of conveying information by any other means?

I do not think so: my observation went to say that, perhaps, the forms were not sent at present to Donegal, there are so many revenue stations in it.

1142. Would it be practicable for the constabulary in Donegal to refrain from giving any information which they may obtain as to the carrying on of illicit distillation until they shall receive some more of those forms?

I am satisfied they would give any information that comes within the instructions they have received, or the first time, perhaps, that they could communicate it privately; that is their habit.

1143. To whom?

To the Revenue Police; but they are not bound to do so; but they will do it in any quarter they can with confidence rely it would not be known they had given it.

1144. There being none of those forms in Donegal, if it should happen that a man under your orders, in going about his duty, should receive information that a still was at work, or was likely to be at work, in a particular part of the district on a certain day, should you consider that man discharged his duty if on account of there being no forms, he refrained from giving that information to his superior officer, or to some person of the Revenue Police?

He would not infringe upon his duty not to give it to the Revenue Police, though he might do so; but he would have a right to report the matter, as before described.

1145. I put two alternatives: I say in the case of a man refraining from giving the information either to his own superior officer or to the Revenue Police?
He would have a right to give it to his own superior officer.

1146. Lord *Stanley* of Alderley.] Is that part of his duty, do you consider?
Yes.

1147. Viscount *Canning*.] Supposing that one of your men received information that a still was at work, or was likely to be at work, or that he saw it at work, and supposing that, having no form to fill up, he refrained from giving information either to any superior officer of his own, or to the Revenue Police, should you consider that he was guilty of any neglect of duty?
I would, under the instructions he had already received; he should report in manuscript, and furnish the information required from him; that would be his duty.

1148. In place of the printed form?
Yes.

1149. Therefore the fact that at present there are no forms in Donegal, is no justification of the constabulary in neglecting to take the usual course to inform their superior officer of the existence of illicit distillation?
To inform the Inspector-general agreeably to their orders; although forms have not been supplied by me, they may be in existence from a former period; at all events, a report should be made.

1150. Who is their superior officer?
The Inspector-general.

1151. I think I understood you, in a previous part of your evidence, to say, that, inasmuch as there were no such forms, that information had not been recently given?
I meant to state that those forms had not come since I have been in Donegal, but that that does not exonerate the constable in case of not giving information.

1152. And the information is given just as much as if the forms were there?
I should say so; I hope so.

1153. And you would expect your own men to do so?
Decidedly; I do it myself to the officer of the Revenue Police, and did so not many days ago.

1154. Lord *Stanley* of Alderley.] Do you think the knowledge on the part of the population that such information is afforded by the constabulary injures them in the opinion of the country, and diminishes their efficiency and utility?
I do not think any such thing. I think the illicit distillers try to conceal as much as possible from the constabulary that this thing is going on; it is natural that they should do so, as those who carry on illicit distillation are not considered the most proper people in their neighbourhood.

1155. *Chairman*.] In those cases in which the constabulary may give the information, and in which, on the transfer of that information from Sir Duncan Macgregor to Colonel Maclachlan, proceedings may be instituted, your constables are not brought forward as witnesses?
No; it is a confidential report.

1156. The whole of the open proceedings afterwards being carried into effect through the Revenue Police?
Yes.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Monday next, at One o'clock.

Die Lunæ, 25° Julii 1853.

LORDS PRESENT:

Earl FORTESCUE.	Viscount CANNING.
Earl of WICKLOW.	Lord DE TABLEY.
Earl of STRADBROKE.	Lord STANLEY of Alderley.
Viscount HUTCHINSON.	Lord MONTEAGLE of Brandon.

THE LORD MONTEAGLE of BRANDON in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

George Knox, Esq.

25th July 1853.

GEORGE KNOX, Esquire, is called in, and examined as follows:

1157. *Chairman.*] WHAT office do you hold in Ireland?
Resident Magistrate.

1158. How long have you filled that office?
Six years last February.

1159. Had you been in the public service before that time?
I had been a local magistrate, and held agencies under Crown lands.

1160. By local magistrate, you mean one of the ordinary magistrates of the country?
An ordinary magistrate for the county of Roscommon.

1161. In what county are you now serving?
The county of Sligo.

1162. Have your official duties and your previous engagements made you familiar with the condition of those counties?
Yes.

1163. Are there many parts of them in which the practice of illicit distillation has prevailed?
It is carried on to a great extent in all my district; a portion of my district extends into Mayo.

1164. Could you describe to us the names of the Baronies, or the divisions of the counties, in which the illicit distillation most prevails?
The Baronies of Leyny and Coolavin in the county of Sligo, and the Baronies of Costello and Gallen in Mayo.

1165. Have you reason to believe that this practice of illicit distillation acts mischievously upon the habits of the people, and the public peace?
I know it is a great means of demoralizing the people, and their females, who are often up at night attending to them; it is a great means of demoralization to them generally. I do not think it affects their habits as to the peace of the county.

1166. In your capacity of resident magistrate, I presume you have had many distillation cases brought before you?
A great many.

1167. In administering the law, you are assisted and accompanied by the county gentlemen magistrates, are you not?

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Always in cases of summons to petty sessions; but there are immediate arrest cases where they are brought before me on the moment; but in cases of prosecutions and summonses, I am assisted by the local magistrates of the district.

1168. In those revenue cases brought before the petty sessions, the Bench, consisting of yourself and the local magistrates, have your efforts to enforce the law been seconded by the local magistrates, or have those efforts of yours been counteracted by them?

I have always found in my district the greatest co-operation from the local magistrates.

1169. You have found no more reluctance on the part of the local magistrates in convicting and punishing the illicit distiller, than in any other class of cases that comes before you?

Certainly not.

1170. You having, before your present official employment, been a country gentleman magistrate yourself, and being familiar with your colleagues upon the Bench, and knowing their interests and feelings, are you able to state whether the conviction now is on the part of the gentry, that it is in any respect more profitable to themselves than it could ever have been creditable to encourage illicit distillation on their own estates?

I always find that they wish to discourage it.

1171. Do you not believe that the habits that illicit distillation engenders on the part of the distiller would be more injurious even in a pecuniary sense to the landlords of your district than any profit that could be made by the conversion of grain into spirit?

I think it is more injurious to the landlords; for the tenants become idlers, and neglect their farms.

1172. Is not that the result of their becoming distillers?

I think so.

1173. Your position, as resident magistrate, enables you to form a judgment of the present state of the constabulary of Ireland in your neighbourhood, does not it?

Yes.

1174. Are you satisfied with the moral, as well as the professional, conduct of the constables and their officers?

I find them a very efficient force.

1175. Do you find any difficulty raised by them, or any neglect or cowardice on their part in executing the warrants you put in their hands?

Never.

1176. Do you find any irregularity in their mode of executing their patrol duty?

In my district I do not.

1177. Do not the regulations of the constabulary require, that at every meeting of the petty sessions the original record of the patrols should be brought before the magistrate, and read over in the presence of the superior constabulary officer, who, with the magistrates, have the full power of observing upon the duty, and the mode in which it has been performed, the book being finally signed by the magistrates on the Bench?

I have never seen it done; I have never seen that book produced.

1178. What are the more important duties which, so far as you know, are confined to the constabulary force?

The execution of our warrants from petty sessions, and attendance at quarter sessions and assizes, and attending at public meetings.

1179. You mean by public meetings, I presume, fairs, assizes, elections, and such like?

Yes; each fair in the district and elections; in fact, on every requisition of the resident magistrate.

1180. Amongst their more important duties would you not class the duty of patrolling at night?

I should, certainly.

1181. How

1181. How is that last duty performed of patrolling; in what parties do they generally go out?

The out-stations generally consist of a constable and four sub-constables; then there is one left as barrack orderly, and I think three generally go out, and sometimes even so small a number as two patrol: I frequently meet them in twos.

1182. And, as far as your judgment goes, those duties are efficiently performed?

I am sure they are.

1183. As resident magistrate, are you enabled to state that those functions of the constabulary are essential to the prevention of crime?

Certainly.

1184. Now, what is the general feeling of the people in respect to the constabulary; are they on good terms together?

They are on very good terms, I think.

1185. Have you known instances in which the constables have been exposed to violence on the part of the people while performing their duty?

I have never seen them attacked in any instance of much importance.

1186. Has not there been an alteration of practice within your own observation, by which, in many instances, where formerly the constables have been accustomed to interpose with strength of arm to repress violence, they are now satisfied with observing the case, taking the names of the men, summoning them to the next Bench of petty sessions, and bringing the whole matter under the consideration of the magistrate?

That is the general practice at present in my district.

1187. And do you not approve of that practice, and consider it to be important in the execution of their duties?

I think it is the most prudent.

1188. You have stated that they are on good terms with the country people. Do you consider that such intercourse and good-will give them moral aid in the performance of their functions?

Certainly.

1189. Have you known cases in which the little disputes amongst the country people themselves are settled by the friendly interposition of either the officer or the more experienced constables?

I have known trifling cases settled by their advice.

1190. That is a proof of the good-will and confidence of the people in the constables?

It is.

1191. Supposing that any change of system were to destroy that good-will, and to render the constables objects of dislike and suspicion; what, in your judgment, would be the result in the execution of their duties?

I think they would meet with more opposition.

1192. If that feeling of good-will and confidence were destroyed, could they in safety proceed in parties of two and three at night in patrolling?

I think not; I think the parties would require to be larger.

1193. Viscount *Canning*.] Do you consider that the number in which the constables patrol is too small a number as it is?

I do; they could be of very little use.

1194. Even under the present favourable state of feeling towards the constables on the part of the population?

I think the patrols are too small at present.

1195. *Chairman*.] In the county with which you are connected, can you tell us what the number of the Parliamentary establishment of constables is?

The number of officers is 246.

1196. Explain what you mean by officers?

Sub-Inspectors.

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1197. What is the force in your county?
Six officers, and, I should say, about 200 sub-constables. I am not exact as to the number, but I think, on the average, they have 25 men to each officer.

1198. Can you tell us how many constabulary stations you have in the county of Sligo?
Thirty-two.

1199. Have you any extra constabulary in the county of Sligo beyond the number of the Parliamentary establishment?
Not at present.

1200. Have you had?
We have had in one barony, but they have been withdrawn.

1201. What barony was that?
Tyreragh.

1202. When were they withdrawn, and how many did the extra force consist of?
They were withdrawn in December; I am not sure of the number of the extra force.

1203. When an extra force is put into a county, is it not by law a consequence that a certain portion of the expense of the extra force is defrayed by the county rate?
Yes.

1204. Was that barony of Tyreragh a barony where any illicit distillation prevailed?
Certainly it was.

1205. Is the subordination of rank amongst the constabulary, and the consequent discipline, kept up with accuracy, so that from the County Inspector down to the sub-constable, and from the County Inspector upwards to Sir Duncan M'Gregor, there is one continued chain of responsibility?
I believe so.

1206. Do you think it very necessary that that should be maintained for the efficiency of the corps?
Certainly.

1207. Has your position, as resident magistrate, or as a resident country gentleman, enabled you to pay any attention to the duties imposed by law upon the Revenue Police for the protection of the revenue, and the detection and punishment of illicit distillers?
It has.

1208. Have you ever been cognizant of the mode in which their patrols are carried on at night in still-hunting?
They generally go out on information; but they have so much duty to perform in the week, which they must perform part by day and part by night.

1209. What strength do they take out in their parties when they go out; are you aware of that?
Their party consists of 14 men and an officer, and I believe they only leave one guard in the barrack; 12 or 13 is the average of their party, with their officer, that go out together.

1210. So that the Committee may understand that, comparing the force taken out in still-hunting by the Revenue Police, with the ordinary patrols taken out by the constabulary for their patrolling business, the Revenue Police are stronger than the constabulary in the proportion of 10 or 12 to two or three?
Exactly so; their patrols are much stronger, of course.

1211. Have you ever had occasion to consider how far it might be prudent or expedient to create any combination of duty between the constabulary and the Revenue Police for the suppression of illicit distillation?
I have often thought that it might be effected.

1212. Will you inform the Committee in what way you think it might be effected?

I think,

I think, if imposed on the constabulary, it ought to be put on them as a public duty.

1213. Would you put the whole of the services of the Revenue Police upon them as a duty, or only particular branches of it?
I would give them the same power as the Revenue Police in making seizures, and handing parties arrested over to the Revenue Police to prosecute.

1214. Would you intrust to them the duty or would you employ them all in duties of still-hunting in the mountains?
I would, by increasing the force: their present force could not do the duty.

1215. Then if the whole duties were cast upon them in common with the Revenue Police, it would be necessary to increase the number of the constables?
Either to increase them, or to amalgamate the two forces.

1216. Do you think the number of the Revenue Police at this time is more than enough for their duty?
I know that illicit distillation is not entirely suppressed by the present number.

1217. Of your own knowledge can you state that even with the present establishment illicit distillation exists now, and, if so, to what extent?
I know it exists to a very great extent and has increased during the last winter.

1218. Earl *Fortescue.*] In the county with which you are connected?
In Sligo and Mayo.

1219. *Chairman.*] Is it your opinion that illicit distillation is more likely to originate and to extend when the prices of grain are low?
Certainly.

1220. Has not the state of the weather in the saving of turf also an immediate effect upon the increase of illicit distillation; for instance, does not a well-saved turf harvest give additional facilities to the illicit distiller?
Yes.

1221. In the counties with which you are acquainted, and which your evidence applies to, there is a great supply of fuel?
Yes; it is chiefly mountain and bog, and they never want fuel.

1222. And it is in the neighbourhood of that fuel, and the streams with which the mountains abound, that the distillation mainly prevails?
Yes.

1223. I put the question again to you: supposing the two forces to be consolidated in one, and charged with the duties now performed, both by the constabulary and by the police, would the present number of constables, in your judgment, be sufficient for those purposes, or would it require augmentation?
The present force would be sufficient, I think, added to the constabulary; the two joined together.

1224. Supposing them to act together, and a party going out consisting partly of constabulary and partly of police, to whom would you commit the command of that force; would it be to a Revenue Police officer, or to a constabulary officer?
To the Revenue Police officer, when on revenue duty.

1225. Would you, then, vest in your Revenue Police officer the power of asking for the assistance of a certain number of constables, if the case required it?
Exactly.

1226. Would not those constables be withdrawn from some other part of the country necessarily?
If the number at the station next him was sufficient, he would have them; but if not, he would give a requisition, and the men would be brought in from the other stations.

1227. I think I understood from you, that the stations generally consist of five or seven men?
Five, generally.

 1228. And

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1228. And that their night patrolling, to which you attach great and just importance, exhausts their detachment, with the exception of one man left to guard the barrack; supposing that those men were withdrawn from their night patrol, and taken out with the revenue officer of police, how would you provide for the execution of those duties that must obviously be neglected otherwise?
If I placed the duty on them, I should increase the number at the stations; then they could spare them.

1229. Then, in the event of this combined movement which you describe, an increase in the number of the constabulary would be required?
Yes, certainly.

1230. Without going the length of this proposed amalgamation, are there not certain duties which the constables might perform under their own officer, without placing them under the double authority—I allude especially to the duty of escorting revenue prisoners after conviction by magistrates at petty sessions, and taking them to the county gaol, under the magistrate's commitment?
I have never known the constabulary to escort them; the Revenue Police are obliged to escort them.

1231. My question is, could not the constabulary be employed advantageously in escorting the revenue prisoners to gaol after conviction before a Bench of petty sessions?
Yes, they could; because the revenue, on the conviction of the offender, have not different stations on the line, the same as the constabulary have, and therefore they have to escort them the entire way to prison; whereas the constabulary would forward them from one station to another, and in that way they could be forwarded at very little inconvenience.

1232. Have not the constables the duty imposed upon them of escorting from the petty sessions all other criminals that are committed by magistrates?
They have.

1233. Then what inconvenience could result to the constabulary force, if, being charged with the escort of other prisoners, they took charge of the revenue prisoners at the same time?
They could always escort any of those convicted at petty sessions; but there are immediate arrest cases that occur at night, and other times, as to persons found in still-houses, and in conveying illicit whisky, who are brought immediately before the magistrate; then it would be an inconvenience.

1234. Do you not see a clear distinction between escorting prisoners to the county gaol, under a magistrate's order of commitment, and escorting prisoners without a magistrate's order of commitment, but given up by the Revenue Police to the constabulary?
I see the distinction.

1235. At the present time is it not the duty of the constables to obey the magistrates, and to act in all civil functions as a constabulary?
Yes.

1236. They are excluded altogether by law from revenue duties?
I think when they find illicit whisky, that they generally hand it over to the revenue, and the revenue summons the parties.

1237. Will you refer me to any provision in any law by which they would be entitled to seize illicit whisky?
I believe they have none, and I believe they have great doubts themselves; they generally give the information to the Revenue Police.

1238. But you see no sort of difficulty or objection to their escorting the revenue prisoners to gaol upon a magistrate's order of commitment?
None.

1239. Under the present system, if there are revenue prisoners, and prisoners under the ordinary civil law, convicted at the same petty sessions, are there not two classes of officers employed in what is in effect the same duty, namely, that of committing the prisoners to gaol?
There are.

1240. And

1240. And those two duties might be easily consolidated, and vested in the one body?
Yes, it could.

1241. You stated just now, that the constables give information in cases of illicit distillation being carried on?
If they find it on duty, they advise the next revenue party of it.

1242. When you say they advise the next revenue party of it, are you correct in that, or is it the case that under Lord Eliot's order they communicate the information to their own superior officer, the Inspector-general?
I think they report to their officer commanding the station; I think they report the circumstance when they return from duty to their officer, and he reports to his superior.

1243. Are you acquainted with the order that was issued upon that subject by Lord Eliot?
Only from hearsay.

1244. Information of that kind given by the constables being directed to be given confidentially, have you known it given where illicit distillation has prevailed?
I have not, except hearing the revenue officers state that they have sometimes received information from the constabulary; but of my own knowledge I have not any instance of that.

1245. With respect to other information, namely, information as to the state of the peace of the country, can you inform us whether the constabulary force frequently receive information from the country people themselves?
They do sometimes, but not often.

1246. Have you found that information so given to them available to you as a resident magistrate in the detection or the prevention of crime?
In some instances I have.

1247. Do you think that that information so given is traceable to the confidence and good-will that now exists between the constabulary and the farmers and labourers?
I do.

1248. If anything tended to shake that confidence, do you think that that information would continue to be given?
I think it would not.

1249. Supposing the employment of the constables in revenue purposes, by the repeal of the Acts which now prohibit them from so interfering, do you consider that the same good-will and co-operation would be likely to exist between them and the peasantry which you have now described to exist usefully to the public peace?
I think that unless it was placed on them as a duty, they would be received in a very invidious light by the peasantry; if it were placed on them as a duty to suppress illicit distillation, the peasantry would, I think, have no jealousy whatever towards them; I always find the Irish peasantry, wherever they consider the constabulary or military are doing their duty, they have no jealousy of them.

1250. Do you think the duty of the Revenue Police you have described as being carried on in armed parties of disciplined men, consisting of 10 or 12 in number, could be performed if the number of the patrol of the constabulary were employed in the same duties, and consisted of two or three only?
I would not reduce the number of the patrol.

1251. Then do you consider it is logical to trace the effect of the Revenue Police to the respect felt for men performing their own duty, rather than to the strength which would render resistance unavailing?
Partly to both; but the strength I would consider to be the principal.

1252. Supposing the constables actively employed in suppressing illicit distillation three days in a week, and subsequently employed in patrolling in

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twos and threes by night, do you think their condition would be as safe in the performance of their duty as it is now?

I think it would be safe by having sufficient strength of patrols.

1253. Are you aware that when the Revenue Police was diminished, and the number of men employed on the service was reduced, the greatest possible danger was the consequence; and that in the year 1832 a Report was made by the Excise Board, that they were, by reason of their reduced strength, unable to act with efficiency, that they were frequently exposed to personal danger; that attacks were made upon them by large assemblages of people; and that in one instance, as it is stated, the magistrates cautioned the commanding officer of a party from attempting to execute his duty with so small a force?

I had no previous knowledge of that.

1254. If, as stated in that report, that was the case with respect to the Revenue Police in executing what was their primary duties, what reason have you to expect that a smaller force of constables would be enabled, by the force of opinion in their favour, to execute these same unpopular duties?

That was a long time ago; they do not meet with that at present.

1255. Who do not?

The Revenue Police do not.

1256. Are you not aware, that since that time the Revenue Police have been greatly strengthened, so as to enable them to go out in much larger parties?

Fourteen is their present party.

1257. Earl *Fortescue.*] Do you consider that since the period of 1832 a better feeling has arisen on the part of the people towards the constabulary generally?

I think so, and towards the Revenue Police; towards both, in fact.

1258. *Chairman.*] But you are aware, that by the 6th & 7th Will. 4, c. 13, s. 15, the constables are prohibited from being employed to levy tithes or tithe compositions, to levy rents by distress, or to levy fines or penalties under any Act or Acts relating to the revenue, or to Acts respecting game and fish?

I am aware of that.

1259. And also probably you are aware, that in the subsequent Act of Recognizances and Fines there is the following prohibition: fines which the constables can levy, not to extend to any fine under the laws of Customs, Excise, Stamps or Post-office, or to any fines under the Game Laws?

I am aware of that.

1260. Do you think that the efficiency of the constabulary could be preserved in its present state if those two provisions were repealed, and that the constabulary could be employed for the revenue purposes which, under the existing law, has been considered inconsistent with their ordinary duties?

I think they could co-operate without any injury to their force.

1261. By the law as it stands, would they be enabled to stop any spirits which they saw in transit, that is, supposing a man to be passing their constabulary barrack with two kegs of whisky slung on each side of his horse, could they stop that?

I think they do not interfere at all at present; they do not consider it their duty.

1262. Do you think that is a duty that might be fairly cast upon them?

I think it is; if it is not put on as a duty, they will be looked upon as spies by the peasantry, and then they will be in a very invidious position.

1263. Supposing it was put upon them by law as a duty to assist in the levying of rents, and the collection of tithe compositions, or the enforcement of the game laws, in respect of all of which they are precluded from acting now; do you consider that the discipline of the police, and their efficiency for the preservation of the peace, would be as great as it is now?

I think not: I think it would be very injurious, particularly as regards rents, tithes, or game-laws.

1264. Do you think that, though that might be put upon them by law, and made a part of their duty, from the nature of those functions, the change would diminish their efficiency?
I think it would.

1265. Viscount *Canning*.] With regard to the question just put to you as to the stopping of spirits by the constabulary in the case of their seeing spirits carried by their barracks, for instance, do you think that that duty might be put upon them without its being necessary to increase their force in any way?
That duty could be effected with their present force, and it would be a great assistance even so far to the revenue.

The Witness is directed to withdraw.

WILLIAM SAMUEL TRACEY, Esquire, is called in, and examined as follows:

1266. *Chairman*.] WHAT office do you hold in the public service?
I am a Resident Magistrate, stationed at Belfast.

1267. Have you, from the time of your appointment as a resident magistrate, been located at Belfast only, or have you served in other parts of Ireland?
I have served in several other counties.

1268. What counties?
I have served in Limerick, a portion of Clare, and a portion of Tipperary: my district was formed on the borders of these counties.

1269. You have served as resident magistrate in all those counties?
Yes.

1270. Had you also served previously in the office of County Inspector?
For several years.

1271. Where were you placed as County Inspector?
In Leitrim and Sligo.

1272. Are you able to inform us, from your experience of those different parts of Ireland, whether the practice of illicit distillation is a general one, or whether it is confined mainly to particular districts and counties?
In some counties it used to prevail generally; in other counties it was confined very much to particular districts.

1273. Are there not some counties you are acquainted with in which there was no Revenue Police parties?
Several in which no illicit practice whatever was carried on.

1274. There are very few police south of the Shannon, in Munster?
I am not aware of any south; there are none in Cork or Kerry.

1275. None in the western part of Limerick?
None in the western part of Limerick; there was not when I left that county, four years ago, one station in the county of Limerick.

1276. Lord *Stanley* of Alderley.] Can you inform the Committee why, in the counties of Kerry and Limerick, in which there are mountainous districts, there is no illicit distillation, while it prevails in other mountainous districts?
I cannot; but I believe there was some illicit distillation in Kerry, but I never knew Revenue Police there.

1277. *Chairman*.] Cork is a great corn-market, and so is Limerick?
Yes.

1278. And the communications with both are very facile; the roads are good?
The communication is very easy.

1279. Do you not think the proximity of a great corn-market, with easy access and good roads, is in itself a great prevention to illicit distillation?
It may be in one way; but in the other it ought to be an assistance to it, from the facility with which the corn can be purchased to distil from.

 1280. Practically

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1280. Practically speaking, is not the corn which is used for the purpose of illicit distillation, generally speaking, the corn which the distiller and his neighbours grow in the mountains themselves, and have at their immediate command?

Very generally so; but I have known them use a better kind of corn than they themselves had produced, and put it with that grown in the mountain districts.

1281. You have probably known in those cases, that the general growth of corn is oats, and that they have made but a little addition of barley to improve the spirit, having purchased that little barley to mix with the oats grown in the district?

It may be so; in some places they use no barley, in others they do; they have different habits in different places.

1282. The general habit is distilling from oats?

From oats malted by themselves in a very rude way.

1283. The distillation in many cases being from the raw grain produced in the district, together with a very little malted grain?

The whole is malted, as far as my experience goes.

1284. Should you say the whole is malted?

I should say so; according to a rough mode of their own, they always steep it, and afterwards spread it on the ground till a certain amount of growth appears.

1285. Speaking generally, is it in the north and the west that the distillation prevails to a considerable extent?

It is.

1286. And less in the east and the south?

There is a good deal in Clare.

1287. In what parts of the county of Clare do you consider it prevails most?

About Scariff, Killaloe, Kilfeacle, and other places.

1288. Pointing your attention specially to the district of Scariff, was not there a tendency at the same time to the extension of the same practice in the adjacent parts of Galway, and in the adjacent northern parts of Limerick and Tipperary?

I believe so; but I cannot say so from my own knowledge.

1289. Have you had any opportunity of judging whether this practice of illicit distillation is not only dangerous to the revenue, but seriously mischievous to the public peace?

I believe it to be dangerous to both in the extreme; for, during the prevalence of Ribbonism in Sligo, where I was stationed at the time that it was most rife, there illicit distillation was very prevalent indeed, and it was frequently reported to me that a great many of the crimes committed under that confederacy were planned in the illicit distilleries that the ill-disposed people used to come there upon different occasions when they were what they call doubling, that is, making the spirit perfect and ready for use, and sit about the fire, and concoct their plan of proceedings.

1290. Earl of *Stradbroke.*] If they were inclined, they could do that in any of the shebeen-houses?

Yes; but that was a ready place to congregate.

1291. Viscount *Canning.*] So far as the encouragement of crime was concerned, the illicit distillery answered the purpose of the shebeen-house?

Very often.

1292. *Chairman.*] Do you not think that the congregation of persons in Ireland, for a purpose avowedly against the law, such as the illicit manufacture of spirits, inevitably brings together those classes who may be disposed to combine against the law for other illegal purposes?

It brings together all the idle people of the neighbourhood.

1293. Even where the pursuit is an innocent one, such as in the case of a smith's

smith's forge at night; the smith's forge affording a facility of meeting, and the fire being kept up, does not this bring people together, when illegal confederacies are often made, and crimes concocted which are subsequently carried into effect?

Yes; I know the effect of all those places is to afford inducement for such meetings very frequently.

1294. You have been asked whether the shebeen-houses have not the same tendency?

The people may arrange to meet in the shebeen-houses; but I do not think they are so general or accidental as in the other places; I perhaps may mention this, that in Limerick, and parts of Tipperary, I have known other houses than any of those we have mentioned, in which parties met to plot against the peace of the country, and the property of individuals; those were houses kept by some people who hired themselves and their myrmidons to commit crime, and particularly on the borders of Tipperary, and in some parts of Limerick.

1295. Earl of *Stradbroke.*] In the mountainous districts?

Yes.

1296. *Chairman.*] Assuming there were no such things as shebeen-houses or illicit distillation, or smiths' forges, if there was a disposition to crime, it is obvious that criminal associations might take place under other circumstances; but have not illicit distilleries and shebeen-houses a more direct tendency to afford facilities to assemble for bad objects, and is not it true that those associations there genarally do take place in such places?

It is there they generally take place, because they are accessible at all times, and people can go there without much observation.

1297. Viscount *Canning.*] Does what you have just said apply to the places where illicit distillation is going on; are those places so well known as to become places of meeting?

The shebeen-houses are very well known.

1298. I am speaking of the places where illicit distillation is carried on?

It is known for the time being; there is no fixed place where the illicit distillation takes place: where they distil to-day, they may not distil again for six months; it would not do to manufacture in the same place continuously, because it would become too well known, and be detected.

1299. Can a process which is necessarily carried on at various places, and changing from day to day, offer much facility for the general congregation of ill-disposed persons?

It does; for the word passes where the distillery is to be.

1300. *Chairman.*] Do you not know, that though the still is as moveable almost as the pot for boiling the potatoes, yet that many people do get together in the one place, some on the watch to prevent the approach of the exciseman, and some to participate in the spirits when they are produced?

They all think it neighbourly to attend on those occasions, and I think they must consume a great part of the profits of the distiller, for they drink a very considerable quantity of the spirits while it is in process of finishing.

1301. In what state of efficiency and discipline was the constabulary in the different counties in which you have served?

I have known the constabulary, I may say, from its commencement; and from the first hour of my acquaintance with it to the present, it has been undergoing a course of improvement.

1302. The discipline becoming more complete?

The discipline being more complete and more uniform. There was a great want of uniformity felt in the first instance, because when the constabulary was raised, it was formed in four districts, and a different system prevailed in almost every district from the adjoining one.

1303. Major Miller's southern district was not quite on the same system as Major Warburton's in the west, and so on?

No.

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1304. The establishment of the office of Inspector-general, by creating a central authority, and having reports continually made, with the various gradations of rank under him, has given a combined power and a steady enforcement of uniform discipline, has not it?

Yes.

1305. Earl *Fortescue.*] Do you consider that the formation of the central depôt in Dublin has been advantageous in producing that uniformity?

Yes.

1306. *Chairman.*] Do you remember the year in which that depôt in Dublin was formed?

It was formed in 1836; I was then connected with the constabulary, and its reorganization. Mr. Brownrigg and I were engaged, under Colonel Shaw Kennedy, to form a code of rules and regulations for its government, and to assist in the details of the constabulary. I should have said that provincial depôts were then formed, and were consolidated into one soon afterwards.

1307. Is not the duty of patrolling at night one of the primary duties of the constables stationed in different places?

It is a primary routine duty: when they have nothing else to do that is more important, they must patrol at night.

1308. What number of constables are generally employed in patrolling at night?

That must be dependent upon the strength of the station, and the state of the country; in some stations they cannot send out more than three men; sometimes, or when they have a great number, and the county requires it, they will send out six or seven.

1309. What would be the entire number of the detachment from which they could afford to send six men?

Seven, so as to leave one person in charge of their quarters.

1310. Is not the more general system for a detachment of seven, or sometimes of five, at one station, to leave one constable at the barrack as an orderly, sending out patrols, consisting of two each, at night?

Very often they do so.

1311. I am speaking of the normal condition of things, where a county is not in a state of disturbance?

Very frequently they have two patrols out at night; but they must leave one man to take care of the Government stores.

1312. When the county is not in a state of disturbance, what is the average number of constabulary at each station; how many sub-constables?

That even must be governed by the size of the district, and the number of the population; they had a rule some time ago, that it never should be less than a constable and four sub-constables; I am not aware that that rule has been changed; and a constabulary station of six is considered a strong station.

1313. Does not the law require that the constabulary who go on patrol should keep a regular diary of the work they have executed, and that that diary should be produced before the magistrates of the petty sessions within which the constabulary act?

There is a rule of the force to that effect, but the law does not direct it.

1314. And are not the magistrates required to attest the production of those books by their signatures?

Yes, they are.

1315. Viscount *Hutchinson.*] The constables, on attending petty sessions, are desired to present those journals to the magistrate, who examines them, and attaches his signature to attest the fact of the examination?

Merely to show that the book has been presented; but the magistrates very often sign the book merely to testify the tender, without making any examination of the book itself.

1316. *Chairman.*]

1316. *Chairman.*] Is not the chief constable required in those cases to attend at the petty sessions, if he is not drawn away by other duties?
He is, if not otherwise engaged.

1317. And the stipendiary magistrate likewise?
Yes.

1318. What are the duties of the constabulary in reference to their attendance at petty sessions, and at quarter sessions, and at assizes?
The duties at petty sessions are merely to attend upon the magistrate, to preserve order in court, and execute any warrant or directions they may receive from him; sometimes they may have prosecutions for offences against the Grand Jury Act, and road nuisances, and so on, to attend to.

1319. If a magistrate's warrant is issued, or a warrant of petty sessions is issued, and the prisoners are brought up for examination, they are brought up in the charge of a constable?
They are.

1320. And upon the issuing of the warrant of commitment, should the case require commitment, the constables are charged with the escort of those prisoners to the gaol or the bridewell to which they may stand committed?
Yes; the warrant is given to the Sub-Inspector, if present, and if not, to the head constable, or to the other constable who is present in charge of the duties of the day.

1321. Do you not consider that this attendance at petty sessions is of great importance in respect to the mode in which the duties of constables are performed?
It is of great importance that the Sub-Inspector should attend.

1322. At quarter sessions are the constables bound also to attend?
They are.

1323. Is it not the fact, that in many cases of ordinary prosecutions the constables are essential witnesses, without whom, the prosecution would fail?
In many cases I should say, from my experience, that it would be perfectly impossible to obtain conviction without their assistance.

1324. Has your attention been directed to the conduct of the constables as witnesses?
It has.

1325. And what impression has that produced upon your mind as to their moral qualifications?
In the general sense, my opinion is, that they are highly creditable, and that they seem to give their evidence in a very dispassionate and honest manner.

1326. Are they, generally speaking, upon good terms with the peasantry of the country?
Very generally, with the well-disposed part of them.

1327. But even in the part of the ill-disposed have you known many cases of attacks upon the constables, or of forcible resistance to their administration of the law?
No, not many; I have known some.

1328. Excepting in cases where the country is in a state of disorganization and disturbance, is there not such a general feeling of respect and confidence in the constable, so as to enable him to execute the magistrate's warrant with the help of another constable, and no more?
Under ordinary circumstances, and where the party to be apprehended is not very desperate, or surrounded by desperate associates, there is no doubt that two men can execute a warrant in safety.

1329. In such case, where they are sent out to meet greater offenders, some of those people who are, as it is termed, on their keeping, and surrounded by a faction to defend them, is not it the usage then to send out a strong party to execute that warrant?
It is.

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1330. Their duties at quarter sessions are such as you have first described?
Very much like those performed at petty sessions.

1331. And to escort prisoners from quarter sessions to the county gaol where sentenced to imprisonment, or for transportation?
Yes, and to bring prisoners from the gaol to quarter sessions for trial.

1332. Is it the usage to concentrate the constabulary force in the county town at the time of the assizes?
It is; not the entire force; they are brought in in turn from the different portions of the county; they are brought in for the ordinary duties of the assizes; and the party so brought in, are selected from the men who have business there as witnesses or as prosecutors, so as not to strip the county of its protection.

1333. But the local force in the county at large must be diminished in proportion, as for those purposes which you have described the constables are brought into the county town?
Yes, during the holding of the assizes.

1334. Take cases of elections in like manner, is not there a considerable concentration of force required to preserve the peace?
Always, and sometimes from several counties.

1335. In cases where disturbances exist in neighbouring counties, is not the orce of one county considered moveable, and made available, if the first county is tranquil, to put down the disturbance in another?
It is so considered.

1336. Have you known many such instances?
Very many.

1337. For instance, the counties of Tipperary and Clare from Limerick?
I recollect at one time having from four different counties parties in Sligo or the preservation of the peace, at the time that Ribbonism was prevalent there.

1338. There is a regular establishment fixed for each county by law?
Yes.

1339. Where the state of the county requires additional force, is not there additional force granted, after examination and inquiry, by the Lord Lieutenant?
Yes; and then the county has to pay for that force.

1340. The Parliamentary establishment is paid from the Consolidated Fund?
It is.

1341. Whereas the county itself is amerced for the extraordinary force from the county rates?
It is.

1342. You are aware, by the law as it stands, under the 6th & 7th Vict., as well as under the Petty Sessions and Summary Convictions Act, constables are prohibited from being employed to levy tithes or tithe compositions, to levy rents by distress, or to levy fines or penalties under any Act relating to the revenue, or to enforce any Act for the preservation of game and fish?
Yes.

1343. And in a subsequent Act for the levying of fines and forfeited recognizances there is likewise a prohibition that the fines they are to levy are not to extend to any fines under the laws of Customs, Excise, Stamps, Post-office, or of any fines under the Game Laws?
Yes.

1344. Do you approve of those enactments, they having been thrice repealed by the Legislature?
No; I think the constabulary might be beneficially employed in the levying of penalties in some of the circumstances your Lordship has enumerated.

1345. Will you state in what cases?
I think the penalties for illicit distillation, for instance; I think in that case it could be very beneficially employed; I would look upon it as a misdemeanor, and I would take the matter altogether away from the Excise.

1346. The

1346. The levy of the penalty?
Yes; just as they levy penalties under the Grand Jury Act, or any penalty for malicious injury to the property of the public.

1347. Do you think there would be the same good-will expressed towards the constabulary if they were engaged in the levy of a penalty under the Revenue Acts relating to illicit distillation that there is in regard to the levy of a penalty for the violation of the Grand Jury Laws, or the ordinary laws of the country?
I think there would be after a little time: it would produce, in the first instance, something like a sensation in the district where illicit distillation prevailed; but in three or four months afterwards it would be so thoroughly put down by the constabulary, that it would rather save them trouble than otherwise; for illicit distillation is unquestionably the parent of crime; and take away that source, and the constabulary will have an easier time of it afterwards.

1348. Lord *Stanley* of Alderley.] Do you not think the fact of the penalties under the Excise Laws, and breaches of those laws being taken out of the ordinary operation of the law, may have the effect of inducing people to look upon them as mere venial offences?
Certainly; they do not suppose they commit any moral offence in making illicit spirits.

1349. Do you not think that if those offences were taken cognizance of by the ordinary officers of justice, it would have a tendency to induce the people to look upon them in the same light as upon any other offence?
Certainly.

1350. *Chairman.*] Are you aware that at one time the offence of illicit distillation was made a transportable felony, and that that law was administered not only by the whole civil force, but was aided by the military likewise, yet that under those enactments the most violent collisions took place, and the most formidable breaches of the law occurred?
It must have been long before my recollection: I recollect when a boy seeing a great deal of misery entailed upon the country by the system of townland fines, a sort of system of Algerine punishment; but I do not think that at that time there was a more considerable force than is available at present to put down such a system; and there is this to be remembered, that altogether the country is in a better state for dealing with the subject in the manner I suggest than it was in those days.

1351. With all those means, the law was found to be fruitless and inoperative?
I do not suppose it was ever executed as it could be now.

1352. Was not that former state contemporaneous with the townland fines system?
Yes.

1353. Did not such townland fines accrue from the mere placing or the discovery of a still upon any land, thus becoming the means of inflicting a penalty upon that land, without evidence of the connivance or guilty knowledge by the owner or proprietor of that circumstance, or any proof that distillation had ever gone on upon that townland?
The mere finding of any implement connected with illicit distillation incurred a penalty of 50*l.* on the person whose land it was found upon.

1354. At that time, in some cases, were not the accumulation of townland fines upon particular townlands so great, that the amount of the fine was considered to exceed the fee-simple value of the land?
That very frequently occurred.

1355. Viscount *Canning.*] With regard to treating illicit distillation as a felony, assuming that the state of the law under which it was considered a felony may have been such as to cause its own defeat, is not it possible that, without treating it as so severe an offence as felony, yet, by putting the enforcement of the punishment for it into the hands of the ordinary officers of justice, greater respect might be obtained from the population for the Excise Laws?
I have no doubt about it at all; I am sure that the certainty of punishment is more efficient than the severity of it in all cases.

 1356. And,

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1356. And, consequently, in treating it as a felony, inflicting a severe punishment for it, it need not necessarily follow from adopting the system under which the present moderate penalty should be enforced by the ordinary officers of justice?

I think a slight modification of the 1st & 2d Will. 4, c. 44 & 45, would answer every purpose.

1357. To what extent would you qualify that Act?

I would inflict the same penalties through another form; I would inflict the fine in another manner; for instance, any person found in a distillery, or possessing one, or found carrying illicit spirits, is liable to a penalty of 100*l.*; he ought to be brought before a magistrate at petty sessions, and prosecuted by the persons who found him committing those acts. That renders the offender liable to a penalty of 100*l.*, or three months' imprisonment in default of payment. The magistrate has the power of reducing that penalty to 6*l.*; but he has no power of making the imprisonment less than three months. Then for a second offence the party is liable to the same penalty, or, in default of payment, to imprisonment for 12 months. The magistrate has the power in that case to reduce the penalty to 12*l.*, but not to reduce the imprisonment below 12 months.

1358. Earl *Fortescue.*] You would give the power to the magistrate of reducing the term of imprisonment, I understand you?

No, I would not; by the Act referred to, the prosecution under it takes place through the medium of the Excise officer. I would have the prosecution carried on by the constabulary.

1359. You would, then, give power to the magistrate of diminishing the term of imprisonment, as well as of reducing the fine?

No; I am merely changing the mode of prosecution through the Police, instead of through the Excise, looking upon the matter as a misdemeanor; I would not connect it with the collection of revenue; the constabulary should not touch a farthing of that.

1360. I understood you to speak of modifying the penalties?

No, I did not; it was the mode of prosecution.

1361. *Chairman.*] Would your opinion carry you to this extent, that you might entirely abolish the Revenue Police, and confide the duties now executed by them to the constabulary?

My opinion is, that it might be safely done, and that it is anomalous to have two police establishments in the country, having one to execute but one particular law, when all the other laws respecting the peace of the country are executed by the constabulary, who, in my opinion, are both more numerous and better informed than the other force.

1362. I need hardly ask you, then, if, for the purpose of carrying out that principle, you were to have but one force, which of the two forces you would preserve, the revenue force or the constabulary; you having stated that it is anomalous to have two forces, and therefore recommending that there should be only one, I presume that one would be the constabulary?

Certainly.

1363. In respect to the revenue cases, the fact of whether a given quantity of spirits was licensed or illicit, or a given quantity of malt was licensed or illicit as well, together with many other applications of the Excise laws as they stand now, may constitute the difference between the criminality or the innocence of a person charged with offence, do you think the constabulary would be capable of comprehending or of giving evidence as to those nice legal distinctions required to be applied in the administration of the revenue laws?

I only applied my answer to the subject of illicit distillation.

1364. Then what do you say as to the other duties with respect to illicit malt?

I look upon it as part and parcel of the distillation; it is the foundation of it.

1365. Then would you propose that the whole of the duties that are now administered by the Revenue Police should by law be transferred to the constabulary?

I would;

I would; and I may state this, that I think about 22 years ago I was called upon by Major Warburton to give my views upon the subject of the consolidation of the two establishments at the time, as he was required to make a report on the subject by Lord Anglesey, the then Lord Lieutenant; I then made all the inquiries I could; some even from the Revenue Police officers, and my conclusion, grounded upon their opinions, and all the other information I could obtain, was, that it would be most beneficial for the country that there should be a consolidation of the two establishments.

1366. Are you aware of the number of Revenue Police and the number of the constabulary that are now stationed in the county of Donegal?
No, I am not.

1367. Earl of *Stradbroke.*] If that was your opinion at that time, do you not think that the argument would be stronger even at the present moment than it was then?
I should say stronger; because the constabulary is more numerous and better organized, and their moral influence is greater.

1368. Viscount *Hutchinson.*] And the amount of crime they have to deal with is diminished?
Yes, and would be further diminished if illicit distillation were put down.

1369. *Chairman.*] Can you tell us whether Major Warburton fully agreed in this opinion?
Yes; he was partly of that opinion.

1370. Did the Government of that day, Lord Anglesey's Government, that of Lord Wellesley, the Government of the Duke of Northumberland, or any succeeding Government, adopt and not act upon that opinion?
They did not.

1371. Have you seen the report made by Sir Henry Hardinge to the Treasury, when he was Irish Secretary, upon that subject?
I have not.

1372. Viscount *Hutchinson.*] Did you make any report in writing upon that subject?
In the year 1836 Mr. Brownrigg, now Deputy Superintendent-general of constabulary, and I were acting together in the reorganization of the constabulary, and we were called upon to make a report, and we made one; but I do not know what became of it.

1373. *Chairman.*] That was a report made to whom?
Major-general Kennedy, then Colonel Kennedy.

1374. Then your proposition is, that the duties being executed by the constabulary, I presume that they should be administered, as their duties are now, in subordination to their own officer, and responsible to the Inspector-general ultimately?
Solely.

1375. Should you see any inconvenience if they were required to act under two authorities, that is, to take instructions from the Board of Excise, as well as from their own officers?
I think they should not receive any instructions but from their own superior officers.

1376. Should you, then, feel any objection to giving a power by law to the Collectors and Supervisors, and the higher orders of the Board of Excise, to call upon constables hereafter to execute special functions in respect to illicit distillation?
I do not think any order should come to a constable except through his own superior.

1377. If there was a divided system of authority binding your constabulary, one authority being the Excise and the other being the staff of the constabulary itself, do you think that that might endanger the discipline and good management of your force?
I think there might be a clashing of orders that might be injurious.

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1378. Lord *Stanley* of Alderley.] In case of their services being required, you think the Excise officers should make their reports to the chief officer of their force, that the constabulary should make their reports to the head of the constabulary, and that each should derive their authority from the head of their departments respectively?

Yes.

1379. Viscount *Hutchinson.*] Are there not, even at present, two separate authorities to which a constable of the Irish constabulary force is bound to give obedience; in the first place, is there not his officer, who is his military superior, to a certain extent; and in the next place, any justice of the peace of the neighbourhood, who is a magistrate, has the right to order him to act as a constable, under the common law of the land, which order he is bound to obey?

Yes.

1380. Therefore there is at present a divided authority, or rather a double authority, which the constable is bound to obey?

There is such a connexion between those two authorities, that you can hardly consider it a divided authority; the superior officer is obliged to obey the legal officer; the magistrate gives that order to the superior officer, and the service does not suffer by the delay; but in case immediate execution is required, the constable would carry out the order himself.

1381. *Chairman.*] Without that obedience to the magistracy, would it be possible to carry out the law at all in Ireland?

No; because the warrant may be required to be executed immediately, and the superior officer may be living 20 miles away from the magistrate when the warrant is issued.

1382. Even if the superior officer was more within reach, is not it the practice every day that the magistrate, for the suppression of crime, and under the clear direction of an Act of Parliament, should give his order to the constable, and that constable is bound to carry it into effect?

Clearly; but in important cases it is better, and the magistrate generally acts upon the principle to confer with a superior officer.

1383. In those cases the magistrate looks to the superior officer not so much for authority as for advice and co-operation?

Yes; for both, very frequently.

1384. Is it not unquestionably open to him to proceed with or without him, subject to his responsibility?

Yes; but in the execution of a warrant, though it is to be executed by a constable or sub-constable, it must be directed to the Sub-Inspector of the district; then, if the Sub-Inspector be present at the petty sessions, the warrant is given to him as a matter of course, and he addresses it to the party he wishes to execute it.

1385. If the Sub-Inspector was not there, or it was a pressing case, would it not go to the constable at the next station?

Yes.

1386. Have you known cases of dispute or conflicting opinion between the magistrate and the officer of the constabulary in respect to the execution of these ordinary functions?

Never.

1387. You have failed, then, in detecting any immediate analogy between those civil duties so confided to the magistrate and the officer of the constabulary, and duties to be executed and directed on one hand by the authority of his superiors and the civil magistrate, and on another by the authority of the constabulary, and in communication with officers of an independent Board like the Excise?

The magistrates are superiors legally to the constabulary, and their duties are so connected with each other, in fact, they are so identical, that they can never produce that clashing which there would be between the other department and the constabulary.

1388. Supposing your plan of transfer of duties carried into effect, and that the constabulary were employed for the prevention of these distillation offences; I think I understood you to say it was upon the principle of converting those revenue offences into civil offences, rather than by allowing the constables to collect the revenue or to enforce the revenue laws?

Yes.

1389. What would be the consequence if they were to be employed, not in the way you have suggested, as enforcing the law against acts either now being or being hereafter made criminal, and employing the constables merely for the purpose of assistance to the revenue?

In the districts where illicit distillation prevails very greatly, they might be employed as a protection for the revenue officers, which, I think, would be a much better plan than sending them out in aid of another armed force; for in the event of anything unpleasant occurring, you would have constantly conflicting opinions and evidence as to the party to be blamed or to be approved for his conduct.

1390. Assuming the number of the force in Donegal at the present time to consist of 176 constables, and the revenue force to consist of upwards of 250 to 300, or between 400 and 500 in all; do you think that if those duties were cast upon the constables, and the revenue force of between 200 and 300 was altogether abolished, that the constables could carry those duties into effect?

In those districts where that contraband trade prevails, you would be obliged to make some addition to the constabulary; but in the case referred to, you might reduce the aggregate amount of the two forces much below their present number, because the moral effect of the constabulary in the country is very considerable, and a fewer number of them can do a great deal more than the Revenue Police could effect.

1391. To what do you attribute that alleged fact, that you consider the constables to have more moral weight than the Revenue Police?

They have been longer located, and are more scattered about the country; there is more intercourse with the people every day, and very often the people come to them for advice; generally speaking, they are a most intelligent body of men, and people come to them, and consult with them; they have a different feeling for them.

1392. Earl of *Stradbroke.*] Are they in a higher state of discipline?

They are all composed of the same rough material, but the discipline is very superior in the constabulary.

1393. *Chairman.*] Do you not think that the difference of feeling and opinion towards the Revenue Police and the constabulary, may be attributed in some degree to the fact that the constabulary are employed in the enforcement of the general law against crime, whereas the other party are employed in enforcing a law against a practice, to which the people are attracted by reason of the profit which is produced to themselves, a practice also, which they do not regard as any moral offence whatsoever?

The people look upon the constabulary as their protectors, and they look upon the other party as the instruments of a law which they do not consider it any moral offence to break.

1394. But if your constables were to be employed in the enforcement of a law which the people do not consider it a moral offence to break, and if the violation of that law was a source of considerable profit amongst themselves, do you think the good feeling of the people towards the constabulary would continue undiminished?

I think it would if you change the law so as to make it practically a misdemeanor, and if by law you make it obligatory on the constabulary to perform those Excise duties in common with the duties they now perform, the people would have no bad feeling towards them, and, as I have before said, in three or four months time they would not have any of those duties to perform, having put down illicit distillation altogether.

1395. Are you aware whether the general smuggling laws, not only throughout Ireland, but England, that though those laws constitute the act of smuggling a criminal offence, the struggle between the smugglers and those who are em-

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ployed in enforcing the law, has continued even in England for years and years, and has frequently led to violent resistance, armed bands, and deadly conflict between the one party and the other?

I am aware of that.

1396. What reason have you to apprehend that if such were the consequences upon the coast of Sussex, they would not be the consequence likewise in the barony of Inishowen?

I think the cases are very different, I think the smuggling by sea and along the coast is altogether a different thing in its effect and feelings it produces, from illicit distillation in remote places, and I think that in the districts your Lordship refers to, they have not such good machinery for the suppression of illicit practices as we have in Ireland, if they are put into proper operation.

1397. Are you not aware that in the smuggling districts of England, the only effectual mode found of putting it down efficiently, was not by the strong arm of force, but by the reduction of duties, thus imposing a limitation upon the motives and inducements to smuggling?

I am sure it must have had its influence.

1398. Do not you think the same motive, the desire of profit, in Ireland, is that which induces a man to distil?

That is of course his main object, because he gets more for his whisky than he could have got for his oats; he buys his oats at a low price, and doubles his money by distilling it.

1399. Lord *Stanley* of Alderley.] Is not it the fact that the attempt to prevent the infraction of the Customs Laws on the coast of England, is as much committed to the direction of an exclusive body of men, as the Excise Laws in Ireland?

Yes, and the tendency is the same.

1400. *Chairman.*] Have you observed the prevalence of illicit distillation and its collaterial offences to be greater and less at different periods of time?

Yes, it is always greater in the winter.

1401. But are there no other circumstances than the seasons which produce such a variation; looking at the increased or diminished number of detections, or of commitments, on the amount of revenue received, and spirits brought to charge; are there not other circumstances which account for these variations, and alter the whole state of the case?

I am not aware that those circumstances you allude to have had any effect on it; I think the price of corn, and the idleness of the people during the inclement weather in winter, when they have short days and long nights to carry on their proceedings, and abundance of fuel, may turn them to it, and form the main inducements for the illicit manufacture of spirit at that time.

1402. Do you not think the amount of profit which a man will make by his violation of the revenue law is his main inducement to violate it?

Clearly.

1403. Then, in proportion as the duty is high, which, by the smuggling the distiller evades, will not there be produced an increase of smuggling?

That must be so, and is inevitably so.

1404. Therefore, the high duty has a tendency to increase smuggling, and a low duty lessens the inducement and checks the practice?

Certainly.

1405. You have also stated, that the low price of grain has that tendency likewise?

Always, when the corn-market is high, the farmer calculates whether it would not be better to sell his corn and incur no risk, than use it for whisky.

1406. Therefore, under the present corn laws, if the result be a considerably reduced price of grain, the danger of smuggling will be increased?

I think so.

1407. It has been stated to this Committee, that in many cases the mode of transmitting spirits from the distiller to the purchaser is on horseback, and that the

the persons conveying the spirits frequently pass the very door of the constabulary barracks?

That may be so.

1408. Independently of your more general views for the transfer of the whole of these duties to the constabulary, can you see any probable inconvenience to the constabulary force, if they were authorized to stop spirit so in transit, and in case of its being unaccompanied with a permit, to detain it?

I should consider it their duty to do it, under existing circumstances; but I do not know what orders they may have received from their superiors on the subject.

1409. But, whatever the law may be, you see no inconvenience to the discipline of the force, if that authority were given to them?

I see some danger in their getting possession of a quantity of spirit, and their being permitted to keep it for any time.

1410. Do you not think that the very circumstance of seizing the spirit would be somewhat dangerous to the force?

Yes; and I look upon the spirits as of so little value, that I should be an advocate for its immediate destruction.

1411. And would you confide, then, to the constabulary so employed, the power of immediately destroying it?

Yes, immediately.

1412. Lord *Stanley* of Alderley.] Would not that make the constable who seized it at once a judge whether it was illicit or licensed spirit?

If he found a person conveying it in the dead hour of night, and with arms, as they very often do, he might very fairly conclude it was illicit, or, if he found it in an illicit distillery; he might be directed perhaps to give it up to his officer, if you thought he could not be a proper judge of its being legal or otherwise, and he would be held responsible for its proper disposal; but these are matters of detail.

1413. *Chairman.*] Do you think an inquiry into revenue law, to regulate which are immediately connected with the detection of illicit practices, as whether particular samples of spirit were illicit or licensed, or whether other provisions of the revenue law were or were not complied with, are these functions which could be executed by the constabulary, or by any other than a Revenue officer?

I think so; I think the constabulary are just as well informed men, both officers and men, as those of the revenue force, and that they ought to be as good judges of the matters in question.

1414. Earl of *Stradbroke.*] Would there be any difficulty in those parts of the country with which you are most acquainted, in collecting together 8 or 12 of the constabulary if found necessary?

None whatever; for the constabulary are dotted in stations all over the country, it is divided into sub-districts; every party which has the charge of a particular district, knows well what is going on in that district, so that the practice could not prevail without their knowledge, if their attention was pointed to it by their superiors; every constable is in charge of a sub-district, and it is his duty to prevent crime, and I would hold him accountable for the prevention of illicit distillation, the same as I would for the prevention of coining, or any other offence. If there were a remote place where the constable might require more assistance, and if there were an illicit distillery in operation, and he thought it dangerous to go by himself, he would only have to call at the next station, or report to his officer, and the officer would come there with two or three or four parties together, and make an arrary that would overawe any attempt at resistance.

1415. Lord *Stanley* of Alderley.] You do not think that their employment in that service would be calculated to destroy their efficiency or discipline?

Not in the slightest degree.

1416. *Chairman.*] Suppose a case; take the county of Donegal as a county in which distillation prevails, and that the constabulary were reduced in

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numbers, by being moved in the manner you have described, in aid of other counties in the vicinage in a state of disturbance, if the constabulary force were so transferred to another county for the purpose of executing their own primary duties, how then would their revenue duties, or *quasi* revenue duties, be performed in their absense?

Since the change of the law to which your Lordships refer, men are not drafted about from county to county; when a county becomes disturbed, an extra force is sent down from the central depôt in Dublin, and they are charged against that county.

1417. Are you not aware, that during the time of the movement in the county of Tipperary, and during the whole of the late elections, the constabulary were absolutely removed from county to county in the way I have described, independently of the force supplied by the reserved force?

Merely for a few days for the election; if the additional constabulary was sent there from the central depôt in Dublin, it was charged against the county.

1418. Lord *Stanley* of Alderley.] But whatever the fact may be as to the past, would there be any difficulty in obtaining a sufficient supply of men from the central depôt in Dublin, for the purpose of providing an additional force, in case you found illicit distillation was prevalent in any particular district for the future?

There would be no difficulty; but if you hand over those Excise duties to the constabulary, you would have to make an increase to it of one-third of the existing force of the Revenue Police, and in three or four months you could reduce the whole down to the present number of constabulary; I look upon it, from my knowledge of the constabulary, that in six months, there would not be a private still in the country.

1419. Two-thirds of the existing Revenue Police might be dispensed with, and with the addition of one-third of the present number of Revenue Police added to the constabulary, all those duties might be effectually and economically performed as they are at present?

Such is my conscientious belief, formed upon very nearly 30 years' consideration of the subject.

1420. *Chairman.*] Take the county of Donegal once more, as an illustration; the Revenue Police there exceeds 250, amounting nearly to 300, the Parliamentary establishment is 176; supposing the Revenue establishment to be dispensed with, should you require to increase that Parliamentary estimate of 176?

Yes, I should think so, by about 100 men.

1421. Who would you propose should pay for that increase, would it fall upon the Consolidated Fund, or, as the present extending force does, one-half on the county rate?

Upon the Consolidated Fund, certainly.

1422. Then you cannot say to what amount you would require that force to be increased; but it would be a less force, you think, than the amount of the Revenue Police which is now established?

If you give the duties over to the constabulary, I believe that from their perfect knowledge of the county, 100 of the constabulary would be equal to 300 Revenue Police, who are put down in large parties necessarily at distant places; six constables in a district where they are known, can perform any duty that would require the presence of 12 Revenue Police.

1423. *Chairman.*] Do you think, that if the constabulary were to be engaged in still-hunting two days and two nights in every week at the least, that is, four periods of eight hours each in every 24 hours, that then those duties could be performed by the constabulary?

The system would be altogether different with the constabulary; they would have none of that service called still-hunting at all, except in very extensive districts, neither would they go out to look for it.

1424. Under your suggestion, the duties of still-hunting would not be performed by the constabulary?

There

There would be no still-hunting; for, in my opinion, there would be no stills to hunt.

1425. Lord *Stanley* of Alderley.] You do not propose to go in search of stills unless you have received information which you would have peculiar means of obtaining, and which the Revenue Police have not?

Exactly so; the constabulary know everybody; they know all the idle persons, who are the people from whom information is got; I have heard of instances of the man who made the still giving information, and of the man who made the malt, and of the man who distilled the spirit, and who was paid by the gallon, go to the Excise officer, and give information; so that the system introduces even amongst those people themselves, a system of dishonesty and duplicity.

1426. *Chairman.*] In what way do you think you would be able to guard against the same abuses if the constabulary were charged with like duties?

I would not be able to guard against them; but, from the energetic manner in which the constabulary would go to work upon a system, I think, I could devise for them, there would be no necessity for such instruments in a short time.

1427. Viscount *Canning.*] It is the fact that such consequences do flow from illicit distillation, that it puts it into the power of the constabulary to get the information?

Yes.

1428. Viscount *Hutchinson.*] I believe that you are aware that every officer of Revenue Police is a sworn officer of Excise?

Yes.

1429. And the men of the Revenue Police have no power to seize upon spirits, and no power to do any of the acts which officers of Excise are employed by law to do, except that officer be present?

Yes.

1430. Would you, then, according to your plan, endow every constable of the constabulary force with the powers which are now exercised only by the Revenue Police?

Yes; I would give him the power to take up a distiller, as much as I would a highwayman or a coiner.

1431. Would you, then, give to a simple sub-constable of police the power of breaking into buildings by day or by night; in fact, all the extraordinary powers that are given by the Excise laws to the sworn officer of Excise?

A sub-constable of police would never go out at night, except under the authority of his superior officer; and if it were necessary to break into a house, the result ought to justify the act; there should be something found within the house that would warrant them in committing the act.

1432. You are aware that an officer of Excise, as the law stands now, has power to break into buildings in search of illicit spirits?

Yes; but he must show he has got information.

1433. You consider, then, that there would be no inconvenience to public liberty in endowing every single member of the constabulary force, every sub-constable, with all the powers which are now exercised by the sworn officer of Excise?

You would be obliged to make it a regulation, that the sub-constable should not be sent out on a still-hunting expedition on his own authority; he should go out under the responsible control of his superior officer, who would be held accountable. Then his duty would be, if he went into a house where any contraband practice was going on, to take the owner or inmates of that house, as he would have the power by the 1st & 2d Will. 4, into custody, and convey them with the least possible delay before a magistrate, who would take bail, or commit them for trial at the next ordinary petty sessions of the district.

1434. Lord *Stanley* of Alderley.] Do you mean the law at present is, that any Excise officer can break open any house to search for spirits?

I am not aware what the law is; that is the practice; my own impression is, that they have not the right, without first lodging information, and having good grounds for the proceeding.

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1435. They do it at their own peril?
Yes.

1436. *Chairman.*] Will you tell me, with respect to a search, whether the constabulary force can undertake the duties of searching without a search-warrant, signed by a civil magistrate?
No, they cannot. There are several matters in which magistrates have summary jurisdiction—as in the case of a man having timber in his possession that he cannot account for, if that timber has been found in his possession under authority of a search-warrant.

1437. Therefore, the responsible authority in the proceedings of the constable is the magistrate, and the civil warrant which is issued by some civil officer of some kind or another?
Except for felonies committed within the constable's view.

1438. When any private individual would have an equal power?
Yes.

1439. But the essential principle of the constabulary is, that the constable is a civil officer, acting under civil authority?
Just so.

1440. How do they administer the law, and the power vested in them, for the suppression of shebeen-houses, and the punishment of persons keeping them, and found therein?
I have seen very little of that sort of work lately; but the system is a simple one. When the suspected spirits, or whisky, as they call it, is sold in any particular house, they lodge an information to that effect before a magistrate, who grants a warrant, which is in force for a specified term; and under that warrant the officers may enter and make a search; if they find any property, it may be dealt with by law: and if they do not find anything, the warrant justifies the act of search.

1441. Lord *Stanley* of Alderley.] If they find illicit spirits on the premises, what are they empowered to do with them?
To seize and carry them away; but then they are obliged to, and always do, carry it into the court, whether it is illicit or otherwise.

1442. *Chairman.*] With respect to the shebeen-houses, is it not a matter entirely immaterial whether the spirit sold is illicit or licensed spirit?
Perfectly immaterial.

1443. Lord *Stanley* of Alderley.] But have the officers the same right of seizing the Parliamentary as the illicit whisky?
Yes; the offence is, selling without a license, if it be Parliamentary whisky.

1444. *Chairman.*] What is the mode of proceeding; is not it *in personam* against the man selling and the parties in the shebeen-house, rather than the possession of the whisky?
If they can prove the whisky to be contraband, that is a distinct offence.

1445. Lord *Stanley* of Alderley.] Supposing they found whisky upon the premises, where there was satisfactory proof of its being illicit, and there was not sufficient proof of the sale of the spirit; would they not have power to seize the illicit whisky, though they could not convict the man of having sold it without a license?
They would.

1446. Then, do you intend the constabulary to perform the duties of the Revenue Police, rather than the duty of civil constables, to enforce the ordinary law?
They should have the power to perform both.

1447. You state, that there are two distinct offences, the one selling without a license, and the other having illicit whisky in possession?
Yes.

1448. Is not having the illicit whisky in possession an offence against the Excise law?

Yes,

Yes, whether they sell or not: in the other case you must prove the sale without license, to prove the offence.

1449. The one is an offence against the Excise laws, and the other an offence against the Stamps and Taxes as they were formerly?
Either offence would be against the Excise.

1450. *Chairman.*] Is it not also the duty of the constabulary to visit the licensed public-houses to see that they are closed at proper times, and that the regulations of the law are complied with?
Yes.

1451. Supposing that there was no duty upon spirits, and that there were no licenses, do you not think that, for the purposes of the public peace, it would be absolutely necessary that the constables should visit all places where spirits and liquors are sold, to see that the houses are orderly?
I think it would be absolutely necessary.

1452. Have you had many cases of shebeen-houses brought before you upon the information of the constables?
No, not in Belfast.

1453. In the south?
I have had some at Murroe, in the Barrington's Bridge district, and up at New Palace.

1454. Do you think the number of cases that have been brought before you are at all proportioned to the number of cases in which it is well known that the law is evaded by the sale of spirits in unlicensed places?
The number of discoveries is not at all proportioned to the number of offences committed.

1455. In the outskirts of the towns and villages is not it a common and notorious fact, that in those houses which have sign-boards offering "Entertainment to Travellers," that the sale of unlicensed spirit takes place?
No doubt of it; and even some of the women who hawk gooseberries and apples, have bottles in their baskets; they are peripatetic traders in the article.

1456. Has it occurred to you how far by any action of the law that system could be put down?
No; I do not see how it could.

1457. Therefore, if it is not put down, those functions being confided now by law to the constabulary, you attribute it rather to the difficulty of the case than to any neglect on the part of the constabulary in executing their duty?
I think that system would exist if there was not a gallon of illicit spirits in Ireland; they would deal in the other; they would buy spirits, and water it, and increase the quantity, and add something to the price.

1458. Is not the common way in which this is done, that they send to the spirit dealer, or perhaps even to the licensed publican, and buy a small quantity of spirits, which serves them from time to time?
The invariable practice is, that the publican purchases from the distiller at a certain strength, which he reduces to suit his own purpose.

1459. You are aware that under the revenue laws there is a system of rewards given of 2 *l.* for the capture of every offender, and other rewards for spirits and for malt?
Yes.

1460. Do you consider that that system of rewards is one that could be introduced into the constabulary if they were charged with the enforcement of those laws?
I think it should not be introduced; I would give them no direct benefit whatever from their performance of those duties; but I would give the establishment the advantages of those payments; I would pay them to the Police Reward Fund for the widows and children; I would let no man receive money for the execution of that duty; because it has been frequently alleged, that if you handed over the Excise duties to the constabulary, they would

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neglect their ordinary duties for the execution of those duties that would pay them. I would take away such a source of objection.

1461. You would think temper, conduct, activity and zeal, a sufficient stimulus for the performance of those duties?
I would.

1462. The constable who distinguishes himself, and obtains badges of honour, chevrons or medals, also obtains the ultimate benefit of these rewards by a higher allowance at the time of his superannuation?
He sometimes receives money, and at other times the badges which are the representative of money, to be turned into money when discharged.

1463. Do you place those honorary distinctions, or that ultimate benefit in increased pensions, upon the same footing with the actual cash payment which the Revenue Police receive in the shape of reward for actual detection; that kind of head-money?
It would be altogether a question of amount; I would give nothing to the man for the detection; I would hand over as much to the Reward Fund of the constabulary as is now given to the individual Excise officer who makes the detection. A magistrate can reduce the 100 *l.* penalty to 6 *l.* and one-third of that sum goes to the detecting officer, if it is all paid; if not all paid, the Revenue or Excise makes good the deficiency; the man is paid, whether the penalty be levied or not.

1464. At the present time, within your knowledge, are not some of the counties in Ireland, in which, from the prevalence of disturbances there, the largest amount of extraordinary constabulary have been required; counties in which the least amount of illicit distillation has taken place, and are not there other counties, especially in the north, in which illicit distillation prevails, which are nevertheless the counties which, generally speaking, are in a state of tranquillity?
Yes, I have known that to be the case.

1465. Viscount *Hutchinson.*] How does that accord with the answer you gave to a previous question, in which you stated that illicit distillation was the direct parent of crime?
So it is in many places, I do not say in all; there may be a difference in the genius and bent of the public mind in different districts, and different motives to the commission of crime.

1466. *Chairman.*] And there may be cases, other than illicit distillation, which produce crime in a greater proportion than distillation itself?
Irrespective of that; though in the counties of Tipperary and Limerick they had no illicit distillation to any great amount, crime was produced there by other causes.

1467. I believe that parts of Clare that you have known, take the barony of Tulla, for instance, which was most disturbed, was not a district in which the habit of illicit distillation was the most practised?
No.

1468. And on the other hand, take a case where you have stated illicit distillation was known in the neighbourhood of Kilrush; was not that district, generally speaking, one of the most quiet and orderly to be met with?
It is a wild district, with little or no employment in the winter months, and where fuel is plenty.

1469. In the barony of Tulla, which forms the best inhabited and richest part of the county of Clare, though distillation did not exist there, there was a great mass of crime?
There was.

1470. Viscount *Hutchinson.*] Can you give us any information as to the constitution of the Revenue Police force as it at present exists, as to the character of the men?
I believe that the class they recruit from is very much the same as the constabulary.

1471. Do you consider that their discipline is equal to that of the constabulary?

No, I do not; I beg to say that for a long time latterly, I have had very little intercourse with them, and very little opportunity of observing the working of the force; but then I know that formerly the system was a most absurd one; they were obliged to walk a certain number of miles in public, and I have seen them walking like soldiers in that way, but doing nothing for the revenue; still they were obliged to make weekly returns, showing they had walked, I think, 200 miles a week.

1472. Do you think that they always complied with that order?

I have heard not, but the officer who made that return would put himself in the power of his men.

1473. *Chairman.*] Are you not aware that that return is required to be read over publicly by the inspector on his visit, in the presence of all the men, who were asked to state whether the report was true or false?

Yes, I believe so.

1474. Would it have been possible for a false return to be given in, without the officer guilty of such a fraud placing himself at the mercy of every one of his men who heard that false report read?

It would have been very unwise to do so, but still I have heard they sometimes were brought up by their own men afterwards for untruthful returns.

1475. When you refer to the former knowledge that you had of the Excise Police, was that prior to their re-organization under Colonel Brereton or after?

I think it was reported in the country, that habit prevailed after his appointment as head of the force.

1476. Do you remember in what state the Revenue Police was in different parts of Ireland before that re-organization?

It was in a very imperfect state as a body, but when he got to the head of it, he brought it under a different system, and made it a respectable looking body; the officers generally were respectable and well informed men.

1477. Do you recollect any case of resistance, and outrage arising out of a conflict between the Revenue Police and the people?

I have heard of such a case between the Revenue Police and the people at Drumcollop, in the county of Leitrim, many years since.

1478. Did loss of life ensue, as far as you remember?

Yes, an officer and 12 or 14 men were murdered together.

1479. Earl of *Stradbroke.*] How many years since is that?

Thirty-five or 36 years ago.

1480. Viscount *Hutchinson.*] Have you ever heard that Ribbonism prevailed among the men of that revenue force?

Never: but it might be so, and there may be also Ribbonism in the constabulary, but their discipline is so good, they are obliged to act as a body, and as a body they are probably all perfectly loyal; there was a great deal of disturbance in the country, and a great deal of tampering with them some time ago, but they proved themselves loyal and trustworthy.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till Wednesday next, at One o'clock.

Die Mercurii, 27° Julii 1853.

LORDS PRESENT:

Earl of Wicklow.
Viscount Canning.
Lord De Tabley.
Lord Monteagle of Brandon.

THE LORD MONTEAGLE of Brandon in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

MAJOR-GENERAL SIR DUNCAN M'GREGOR is called in, and examined as follows:

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1481. *Chairman.*] YOU fill the office of Inspector-general of Constabulary in Ireland now?
Yes.

1482. How long have you filled that office?
For 15 years.

1483. Whom did you succeed?
I succeeded Major-general Shaw Kennedy.

1484. Previous to the appointment of General Shaw Kennedy, was not the organization of the constabulary force of Ireland different from what it is now?
Yes.

1485. Antecedent to that time, was not Ireland divided into districts, and an Inspector placed at the head of each of those districts?
Yes; antecedent to the period of General Shaw Kennedy's coming into charge, each province was under a separate Inspector-general, and those provinces were divided into counties and districts.

1486. Has the change, which centralizes the authority, and places the whole control and responsibility in the Inspector-general filling the office which you now hold, in your judgment, increased the efficiency of the corps?
Not having been acquainted with the former system, I cannot positively say of my own knowledge; but I believe it is allowed by all the old officers, and by the community at large, to have been a very happy alteration.

1487. From your experience of the constabulary, and also from your military experience, do you not consider that an authority exercised by one chief, responsible to the Government and to Parliament, is on principle more likely to be effective than the other?
Most decidedly so.

1488. Are not the habits of the different provinces so various and so contrasted in some respects, that it becomes a matter of very great importance that there should be some superintending authority to view the service as a whole?
Yes, certainly.

1489 Take as an example the question of party processions; are they not, for the most part, confined to particular districts, and is not the question of illicit distillation likewise, for the most part, confined within particular districts?
Yes.

1490. What is the present amount of your force?
In round numbers it consists of 12,500 men.

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1491. Is that number less or greater than that which has existed in the last five or six years?

I do not think there has been a great alteration within that period; but it is very much larger than it was 10 years ago.

1492. Earl of *Wicklow.*] When you say 12,500, do you include the additional constables that are now established in disturbed parts of the country?

Yes, I include all, and I include the officers also.

1493. *Chairman.*] Is the total force you have at present under your control greater or less than that which you had the last two or three years?

Rather less.

1494. It is partly distributed over the several counties, and there is a certain portion left in reserve in Dublin, as a moveable force, available upon exigencies?

Yes.

1495. Do you consider the maintenance of the moveable character of that force a matter of very great public importance?

Of very great importance indeed.

1496. Earl of *Wicklow.*] How many does the reserved moveable force consist of?

It may consist of 600; the permanent reserved force is 400; but under what is termed the Crime and Outrage Act, the Lord Lieutenant may increase that number to 600; but the reserve have never been raised to the maximum strength; they are augmented and diminished according to circumstances.

1497. *Chairman.*] Do you make use of the depôt in Dublin as a place of training for those who enter the constabulary service for the first time?

Yes; it was formed for the two-fold purpose of giving accommodation to the reserve and to all the recruits who join the force.

1498. Viscount *Canning.*] When you say you diminish the force, do you do that by discharging the men, or drafting them from that force into some other portion of the constabulary?

By drafting them, and thereby filling up the vacancies that are always found in the counties; according as the country is quiet, or the reverse, the establishment of the reserve is raised or reduced.

1499. Is that disposable force in Dublin recruited at all from the local force in different parts of the county?

Yes; we frequently recruit the reserve from the counties, and fill up the vacancies in the counties by recruits, so that the reserve may be, by their appearance and conduct, an example to the whole force.

1500. So that the greater portion of the force in reserve have had local experience?

Yes.

1501. Earl of *Wicklow.*] There is also in the reserve force the new recruits, who are there for the purpose of training?

The reserve force is quite distinct from the recruits: we have usually at the depôt 300 or 400 recruits, independent of the reserve force; but I ought, perhaps, to observe, that the whole reserve are never in Dublin; at this moment I do not suppose we have above 100 reserve men at the depôt; the remainder are on temporary duty in the counties.

1502. In the disturbed counties?

Yes, or where they want additional men for a time.

1503. *Chairman.*] Independently of that force which you have supplied from the reserved force, have you not occasionally to draft a portion of the constabulary from the quiet counties into the adjacent counties that may be in a state of disturbance?

Frequently.

1504. Do you not consider that moveable character to be of very great importance for the efficiency of constabulary?

It is: such a power of transfer enables the Government to concentrate any amount of force in a disturbed county.

1505. At

1505. At the time of the movement in the county Tipperary, were you not, by reason of the moveable character of your force, enabled to concentrate a very considerable strength in that county?
Yes; and upon every occasion of extraordinary excitement, for instance, a few weeks ago, at the last election for Clare, we sent from various other counties between 500 and 600 men there as a precautionary measure.

1506. What class of persons are generally presented to you as candidates for admission into the constabulary force?
I think, in general, the sons of small farmers.

1507. Do you make inquiry before their appointment not only into their physical condition, but also into their moral character?
We make a rigid inquiry; no man is admitted into the force who does not bring a certificate from a magistrate of his moral character.

1508. Have you any means, through your local Inspectors, of learning how far that certificate can be relied upon, and that the recommendation so given is one upon which it is safe to act?
We have.

1509. Earl of *Wicklow.*] Do you ever make any inquiry as to the religion of the person recommended to you?
Not until he has passed his examination, and is admitted.

1510. Has he previous to that inquiry been actually appointed to the situation?
Yes.

1511. *Chairman.*] Are we, then, to conclude that there is no religious distinction whatever in your corps?
None whatever.

1512. Have you found any inconvenience resulting from that selection of men of all persuasions of good character, and properly attested to you, acting together indiscriminately as constables?
None whatever: I find no difference in the manner in which the duties are performed, either by the officers or the men, in reference to their religion.

1513. Since the period of distress, and the unexampled emigration, together with the consequent increased demand for labour in Ireland, have you found it as easy to get the same description of recruits for the constabulary as you formerly did?
At this moment we experience extreme difficulty; so much so, that I think the question may become very embarrassing.

1514. Have you been obliged to alter your standard of height for your recruits?
In consequence of the great number of our men who are emigrating to America, and particularly, I think, to Australia, and the difficulty of persuading young men of the same class to join us, I have made several alterations; amongst others, I have reduced the standard by an inch and a quarter; I have been obliged to give greater facilities to the men to marry, though I am apprehensive that such concessions will prove injurious to our discipline: I am also compelled to be less particular in our examination of the candidates as to education, and I confess that in cases of misconduct I am tempted sometimes to punish by fine or by disrating offences that would formerly have been visited with dismissal.

1515. Is not there a general feeling extending itself, on the part of a class of able and efficient young men, that form the candidates for the constabulary, to prefer emigration?
Yes, very generally; so much so, that they are clubbing together for this purpose; six of them, for instance, will subscribe a sum sufficient to pay for the passage of one of their number to Australia, trusting to his honour that he will, as soon as possible, remit from the colony the amount advanced, to enable another of his comrades to emigrate in like manner; some of those advances have been already returned.

1516. Do you refer, in describing that practice, not only to the class from whence

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whence your candidates would come, but to the actual members of your own corps?

It is to the members of our own corps that I am now alluding.

1517. And should this tendency continue, and augment, do you anticipate positively serious inconvenience?

Yes, I do; and I find in some districts the junior members are petitioning for an increase of salary.

1518. But in reference to the inconvenience to which you have adverted, what is the loss, by emigration, of useful men whom you would wish to retain; would not the increased pay in itself, all other circumstances remaining unchanged, afford them a speedier means of providing funds by which their emigration would take place?

I do not think that any reasonable increase of pay would have any sensible effect in preventing the enterprising young men who are now going forth from emigrating, but it would have the effect of inducing young men of good character to enter the force. I do not recommend that this matter should be taken up now, as the present vehement desire for emigration may subside.

1519. Do you not think that a graduated prospective increase, after a given number of years' service of payment, with a different rate applied in cases of extra service, would have a greater effect to preserve your men together, than a general increase of pay affecting the whole?

Perhaps both arrangements may become necessary; the latter proposition is similar to the rewards granted to long service in the army.

1520. Earl of *Wicklow.*] Do you not think it natural that there should be a feeling in the constabulary for an increase of pay at a time when that class from which they are generally chosen, say the labouring class of the country, are now receiving very increased wages?

I think it is very natural.

1521. *Chairman.*] From the accounts they receive from their friends in the colonies, are you able to tell us whether, generally speaking, those accounts exhibit evidence of prosperity on the part of the emigrants, and whether that success is shown by remittances made by the emigrant to the friends he has left behind him?

From all I have heard from every quarter, the remittances to their relatives at home are enormous, from America particularly, where the great mass of the Irish emigrants are.

1522. Viscount *Canning.*] What is the pay of a constable upon first entering the force?

It is 24*l.* per year.

1523. Are there any extra allowances?

There are; when on a march they have certain allowances.

1524. Clothes they get, of course?

Yes; they get certain articles of clothing.

1525. And barrack lodging?

Yes.

1526. And with respect to their mess?

That they pay for.

1527. Entirely?

Entirely.

1528. And fuel and candles in their barracks?

There is as much fuel allowed as is required for the guard-room; if they need more, they must pay for it.

1529. What stoppages and deductions are there from that 24*l.* a year?

There are no deductions from it; they pay for all their necessaries, of course.

1530. What may we reckon to be the net amount in hard cash received by a constable in the year?

Twenty-four pounds in the lowest class.

1531. Do you find it easier to recruit the force in any one part of Ireland than in another?

No; I think it now more depends upon the activity of the officers in stirring up their magistrates to recommend men than on any particular desire on the part of the counties; formerly we had always many hundred men on our lists, who used great interest to gain early admission; but now our officers require to urge their magistrates to endeavour to fill up our vacancies with eligible recruits.

1532. When they are admitted, and when you proceed to station them in the districts in which they are to act, have you regard to the neighbourhood from whence the man is taken in fixing the place of his future employment?

No; only that I prevent officers or men from serving in their native counties, and I endeavour, as far as possible, to amalgamate the Protestants and Roman Catholics.

1533. Do you think that evil consequences would result from the employment of officers and constables generally in the counties to which they belonged?

I think so; it was formerly tried, and was found to be very pernicious; for even in cases where the officers and constables performed their duty impartially, complaints were sure to be made, especially where the relatives of the constables were involved in disputes with their neighbours, or otherwise charged with offences.

1534. Viscount *Canning*.] Are not the constables of great service to their officers in procuring information which it would be difficult to get by any other means?

Yes, they are.

1535. Would not the facility which the constable has in procuring such information be rather greater in a district with which he was acquainted than in one with which he was not?

I think not; from the information of the Police already at a station, a new constable very soon becomes intimately acquainted with the character of the people in his district; besides, unless a man be located at his own home, he may be as ignorant of his district, though situated in his native county, as a stranger.

1536. *Chairman*.] If the family of a constable belonged to any particular party or faction, which are to be found almost universally throughout Ireland, would not a member of that family, if stationed within his own native district, have more difficulty in obtaining information than the man who stood impartial amongst them?

I should think so; and, moreover, it would be very painful in many cases to the constables themselves; and I am persuaded that our preventing the officers and men from serving in their native counties is one of the causes why the people generally of all parties are disposed to think well of the impartiality with which the duties of the force are now performed.

1537. Viscount *Canning*.] Is it mainly owing to that good disposition on the part of the people towards the constables that the constables are able to get information?

Undoubtedly; a great deal depends upon our popularity, and our being considered fair in the discharge of our duties.

1538. Earl of *Wicklow*.] Do you ever find it necessary, in consequence of the unpopularity of a constable, or from its being supposed he takes prejudices in his district, to remove him from that district to another?

Yes, occasionally.

1539. *Chairman*.] On the whole, what character would you give to the corps that is under your command, including both officers and men, and referring to their efficiency, their discipline, and their sense of responsibility?

I have had a good deal to do with the management of men for a vast number of years, and I have commanded a regiment that plumed itself upon being one of the best behaved in the army, a Highland regiment; but I think there is no force I ever met with in any country to be compared with the Irish constabulary, either physically, mentally or morally; that is my opinion of them, and that they constitute a force of which Ireland has every reason to be proud.

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1540. Are you able to inform us whether the judgment which you have formed is supported by what you know to be the conduct of the constabulary as witnesses brought into courts of justice, before the superior courts, as well as in the ordinary petty sessions?

I am; both Judges and Assistant Barristers, and Magistrates, have assured me that nothing can be finer than their conduct almost universally before courts as witnesses.

1541. Do you attribute the good-will of the people, and the confidence which is generally felt towards the constabulary, to the fact, not only of their good conduct, but of the duties which they are called upon to administer, being such as to insure them the hearty co-operation and good-will of all the better part of the population, and to keep them out of the hazard of collisions upon other subjects with the people?

I think that where the Irish people are persuaded that a man is doing a duty which is a legitimate duty, the greatest possible allowances are made for him, though the performance of that duty may be very painful to the individual himself; and the consequence is, that I do not recollect, except in two cases, which are easily accounted for, that a constable has been murdered for the last 15 years in the performance of his duty: in the cases referred to, each of the two constables attacked some midnight robbers. Our people go out only two together at all hours of the night with perfect safety.

1542. Can you tell us the nature of the patrol service which the constabulary perform at night, and the manner in which it is performed, as well as the checks that have been introduced to ensure its proper execution?

I beg to lay before the Committee a printed order upon patrolling.

1543. What, on the average, is the strength of your detached stations?

We have between 1,500 and 1,600 stations, and that gives, I think, an average of seven or eight men to each. Patrolling I consider as an important duty; as a preventive duty, it is very important.

1544. It is night patrolling, for the most part?

Night patrolling chiefly.

1545. Suppose a party of seven, how would you deal with a party of seven in relation to a night patrol in the country in an ordinary state; not a country in a state of disturbance, but only requiring ordinary precautions?

The officers are desired to have combinations of patrols, so that no one patrol acts without orders; for example, "Patrols ought not to go out on stated nights, or at particular hours, but at uncertain periods of the night; and they should occasionally proceed on their duty a short time before day-break, when marauders may be discovered on their way homewards. This is particularly applicable to the police near the borders of a county, especially if the boundary be defined by a river," and so on. Then, "Where it may be suspected that their movements at the barracks are watched, the men for patrol should steal out of it in plain clothes, if necessary, one by one, taking different directions, to an appointed rendezvous in the neighbourhood, from whence they will commence the duty, and afterwards avoid separation. On other occasions, when the officer or constable in charge of a station has ground for believing that it is closely watched, it may be expedient for him to send out a false patrol, which, after lying concealed at no great distance, a sufficient time to lull suspicion of their object, will now return to their barrack in such a manner as to be fully observed, while the real patrol will afterwards proceed as secretly as possible." Then, "In very disturbed districts, where the men at a station require repose, pains should be taken to show that they have retired to rest, while by arrangements previously made by the County Inspector, a large proportion of the police from other localities will be brought into the prescribed district, and occasionally by cars, if the stations are very distant, in order to their effectually patrolling it in every direction, according to a plan already agreed upon: sometimes the Sub-Inspector may arrange that his parties, within a well-defined circle, shall patrol inwards until they all meet his own party at a given point towards its centre; at other times he may require them to patrol, independently, in certain directions around their respective stations." Those observations form a part of the detailed instruction I have issued for the guidance of our inexperienced officers and constables on the subject of patrolling.

1546. Frequently

1546. Frequently under those orders, the country being in its orderly state, and there being no peculiar disturbance, does not the patrol consist of two men?
Yes, frequently.

1547. Take a station of seven men, does not it frequently happen that one remains in charge, as the orderly at the barrack, and that detachments of two each go out in different directions, and return in the morning?
Yes; but we do not like patrols, unless the country is very quiet, to consist of only two men.

1548. You would prefer three?
Of course, or even a larger number.

1549. But where the country is perfectly quiet, and in its ordinary state, two frequently patrol?
Yes.

1550. In those patrol duties at night, you have already stated that you have not known instances of violence or sanguinary attack upon the patrol, speaking generally?
No.

1551. Do you attribute that fact not only to the armed and disciplined character of the force, but to the general good-will and confidence which is felt in them by the people?
Yes, I do; to both causes.

1552. Earl of *Wicklow.*] When you speak of seven being the amount of men at a station, have you not many stations in which there are not that number?
Yes; and many, of course, that are far above that number.

1553. You mean that seven is the average of all the stations?
Between seven and eight is the average; in the north, for instance, our stations consist of very few men; but in Tipperary they have a large number.

1554. *Chairman.*] The constabulary under your authority are bound to attend to the orders they receive from you; but locally are they not bound to carry into effect the directions of the ordinary magistracy of the country?
Certainly.

1555. Have you found any difficulty in the way of conflicting authority between your officers and the magistracy of the country?
No, indeed; there may have been a very few cases where misapprehension on the part of the officer, and sometimes on that of a magistrate, has taken place; but very generally there are no complaints.

1556. Those are exceptional cases?
Yes.

1557. And of very rare occurrence?
Of very rare occurrence.

1558. Do you not know, from the communications made to you, as well as from your own personal knowledge, that, generally speaking, there is every disposition on the part of the local magistracy to seek for advice, as well as to seek for assistance, from the superior ranks of your officers in the counties in which they are?
Yes; generally, if not almost universally, the magistracy of the country appear to have great confidence in the County Inspectors and in the older officers of their districts.

1559. Earl of *Wicklow.*] Is there any distinction whatsoever made between the orders to the constabulary as to their receiving directions from the general magistracy and what are called stipendiary magistrates?
None whatever.

1560. *Chairman.*] Their main orders come from the petty sessions, in case there should be a necessity for magisterial interference, do they not?
Yes, and from individual magistrates.

1561. Do you consider it of very great importance to maintain, through your strict subordination of authority, and the mode of enforcing responsibility thus given you,

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you, an immediate knowledge of the official conduct of the constabulary in any particular county, barony or station?

Certainly; we could not otherwise preserve our discipline.

1562. They are therefore strictly responsible to you, and you, in the exercise of your higher responsibility, have the means of noticing as an offence any negligence of theirs in obeying the orders of the magistracy of the county?

A most serious offence.

1563. The object of this Committee is, to consider how far, and within what limits, if any alteration be expedient, the constabulary force of Ireland could be made auxiliary to the prevention of inland smuggling in spirits, and the suppression of illicit distillation; has your attention been turned to that subject?

It has been turned to it lately, though I confess myself very ignorant of the subject.

1564. Have you endeavoured to ascertain the precise duties which are now performed under the sanction of the Board of Excise through the medium of their Revenue Police?

No. I am very imperfectly acquainted with the detailed duties of the Revenue Police; I know something of them, but not much.

1565. Have you had the means of forming an opinion whether the two corps, the Constabulary and Revenue Police, might or might not be amalgamated without hazard to the discipline of your force?

My own impression was, that there would be considerable risk of injury to our efficiency by such an union; yet the opinion of a number of experienced officers of the force who have been in counties and districts, and are conversant with the duties of the Revenue Police, seems to be, that there is no risk whatever; and I have at last come to the conclusion, that if illicit distillation cannot be put down by means of the Revenue Police, the constabulary ought to undertake that duty.

1566. Viscount *Canning*.] In speaking of officers, do you mean the officers of the constabulary?

Yes, of the constabulary.

1567. You mean officers who have in the districts in which they have served with the constabulary had opportunities of seeing the nature of the duties performed by the Revenue Police, and the manner in which the Revenue Police have performed them?

Yes, who are acquainted with both forces, in fact.

1568. Earl of *Wicklow*.] Was there any difference of opinion upon that subject on the part of those whom you consulted, or were they unanimous in that opinion?

I think, in general, they are adverse to the union referred to; at the same time they admit that the constabulary would succeed in suppressing illicit distillation; but the fear of them is, that such duties might injure the popularity, as well as the discipline, of the constabulary.

1569. *Chairman*.] Do you think that it would be possible, without inconvenience to your force, to which I limit my inquiry, if, the two forces being kept up, that such an amalgamation should take place between them as would enable the Revenue and Excise authorities to call upon your constables for aid and assistance in their local duties, thus giving to the Excise authorities a control over the movements of your corps?

That is one of the risks to which I refer: I consider that any body of men being under two distinct authorities for the discharge of two distinct classes of duties, is objectionable; our constables might neglect their police duties, on the plea that they were employed on revenue service, and *vice versâ*.

1570. Viscount *Canning*.] Do you find any inconvenience arise from the joint authority which the magistrates exercise over the constabulary with their own officers?

The magistrates only exercise authority with regard to constabulary duty; they have no power to interfere with the discipline or distribution of the police force; their orders and my own are directed to one and the same object, viz., the preservation of the public peace, and the magistrates' commands are almost always conveyed to the constables through their own officers. I think it would

be very different if Excise officers, supervisors, and gaugers, had a direct power over the constabulary: how far it would be practicable for the revenue officers to demand constabulary aid through me, I know not, as I am ignorant of the extent of assistance that may be required of us.

1571. Still the great inconvenience you would anticipate, from the authority which the Excise officer would exercise over the constabulary, would spring mainly from the power, if they possessed it, of calling upon the inferior members of the force to execute their orders?

Yes; orders, perhaps, regarding revenue duty, which might run counter to those that had been already given to those constabulary as conservators of the public peace.

1572. But if they called for the aid of the constabulary force through the superior officer of that force, a great part of the inconvenience would be removed?

Yes; but at the same time I imagine that a great part of the advantage arising from promptitude would be lost likewise.

1573. *Chairman.*] Is not there a clear distinction between the combined action of the magistrate and the constabulary officer being both bound and restrained to use the constabulary for its primary object in preserving the public peace, and two authorities that might be conflicting, because established for different objects, namely, the employment for a revenue purpose, under a Revenue Board, of the constabulary officer?

Yes, I think so.

1574. Will you refer to the county of Donegal, in which it would appear, from the evidence before us, that the practice of illicit distillation prevails to a very great extent, and has so prevailed for many years: supposing that disturbance, or threatened riot, occurred in a neighbouring county, would it be practicable, if the Revenue Police and the constabulary force were combined, and the duties were performed indiscriminately, to send the constabulary from one county to another with as much freedom as you have described as now practised, and as being necessary?

I take it for granted, that if the forces were combined, those stations that were most threatened by illicit distillation would be strengthened by the amount of men at present required for revenue duty, in which case we should have that amount of force to attend to illicit distillation, and the remainder only would be disposable for other duties.

1575. Then, even in relation to the case put as an example in the foregoing questions, it would be absolutely necessary, for the efficiency of the constabulary force, that for certain duties the force should still be considered as distinct?

I think so; that is, a certain number of men must be constantly kept at the present revenue stations, for the discharge of revenue duties.

1576. The Revenue Police in the county of Donegal exceeds 250 men, and your Parliamentary establishment in Donegal is only 176, I think; assuming those facts, and assuming that force to be required for the purposes of putting down illicit distillation, if there were a combination of action, should you recommend to have the constabulary force in Donegal reduced below 176, or do you consider the force in Donegal to be adequate for the purposes of the constabulary in that county?

I consider that Donegal is the most under-policed county in Ireland, and that the Parliamentary establishment is by no means adequate to its ordinary wants, and at present the magistrates of that county are paying for extra men; it would therefore, require a large addition, if the constabulary were to perform revenue duties.

1577. What is the extra constabulary force that is now employed in Donegal, in addition to the Parliamentary number of 176?

One hundred and twenty-seven men.

1578. When was that additional force introduced into Donegal?

It was introduced gradually.

1579. That additional force is partly supported at the local expense?

A moiety of the cost is paid in that way.

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1580. Earl of *Wicklow.*] The greater portion of that is in the barony of Raphoe?

I think so; it is in one or two baronies.

1581. Within this last month or two, has it been considerably increased?

No, I think not; I think you might now dispense with some of the extra men there; the county is getting quieter.

1582. Was not there, previous to the last assizes, an application from the magistrates of the barony of Raphoe to have an increased police force there?

I think, upon corresponding with them, it was found to be unnecessary; some of them did wish to have it; but I am not certain.

1583. *Chairman.*] Have you not frequently correspondence on this subject with the magistrates of Ireland, and do you not know many cases, as in the county of Limerick, for example, in which there has been a strong and somewhat eager correspondence between the Government and the local magistrates, the latter seeking to obtain a larger reduction of the extra force than the Government felt it would be wise to make?

Very seldom, I think.

1584. Would not the decisions of such questions relating to the extraordinary force which it might be required to add or to withdraw in any particular county, be very much perplexed and made more difficult of solution, if the constabulary were not only employed for the purposes of the public peace, as it is at present, but if also employed for revenue purposes?

It would be my duty to prevent, if possible, such perplexity, by keeping in mind that the disposable force of the county was less by the number of men found necessary for Revenue services.

1585. Do you not think that such arrangements would lead to a perpetual contest between the local authorities and the Government, and the constabulary on the question, whether the extra force was required for the purposes of keeping the peace, or of putting down smuggling, and therefore whether it ought or ought not to be paid at the public or county expense; would it not be very difficult to ascertain and to satisfy local parties, naturally jealous of local taxation, whether the constabulary was kept up for the purposes in which they were interested, or for the purposes in which the Government were primarily interested?

I fear it would, in some cases.

1586. Earl of *Wicklow.*] In fact, you do not suppose that under such circumstances there would be any additional local taxation for the purposes of the constabulary?

No; an additional force for revenue purposes, supposing it to be required, it is to be presumed, would be an expense placed on the Consolidated Fund.

1587. *Chairman.*] Therefore, under this arrangement, whether the extra force, whatever it is, were called Constabulary or Revenue Police, if it was employed for revenue purposes, and paid out of the public revenue, no economy to the public would arise from it?

The conviction of those who are very highly in favour of the constabulary undertaking this duty is, that in the course of a short period they could dispense with this additional force altogether; we certainly could, from the outset, dispense with the Revenue Police officers, and should not require them under any circumstances.

1588. At the present time, in the administration of the Revenue Police duty, it is found impracticable to administer those functions without giving to each officer taking out a party an Excise commission, so as to enable him to administer laws which become applicable according to the fact whether spirits are illicit or licensed, whether malt is illicit or licensed, and a variety of other points, turning purely upon the construction of the Excise laws; are those duties of a character that the constabulary force could perform?

I presume if they are well performed by the Revenue Police, they would be equally well discharged by the constabulary

1589. Do you think that your officer, a local Inspector in the county, for instance,

instance, could be cognizant, whether the Excise laws as such, were justly performed by the constabulary; whether a given spirit was rightly seized as illicit; whether more than a given amount of malt was contained in a given entered place, or otherwise, and so on; do you think those are functions that your constables could take cognizance of, and be competent to perform?

At first they would not, and that is one of the reasons why I think we ought to have the sub-officers and men of the Revenue Police for a time, at all events; but I imagine that in the course of a limited period, the officers, if it were absolutely necessary, could make themselves acquainted with those duties.

1590. Viscount *Canning*.] Assuming that at present the officers of the Revenue Police are cognizant of all those facts to which the Chairman alludes, you see no reason why the officers of the constabulary should not in a very short time become equally masters of them?

Just so.

1591. Earl of *Wicklow*.] Do you believe that if this order was given to the constabulary simultaneously with the increase of duty upon spirits, which is likely to give a stimulus to illicit distillation, the moral effect in the country, from the people knowing that the constabulary in their district must be aware of any attempt to carry on illicit distillation, would be such as to be a preventative to the increase of illicit distillation, or to the re-establishment of it in quarters where it had previously been suppressed?

That is the feeling of those officers I refer to. Their idea is, that we should act powerfully to prevent illicit distillation; the people are well aware that we know the character of every individual. Our men are engaged annually in taking the statistical returns of the crops; we know every man who raises an acre or half an acre of oats or barley, and he is aware that our people could discover how he disposed of those oats or barley, and having that universal information, it is thought that it would deter many people from running the risk of illicit distillation altogether.

1592. *Chairman*.] Where are your stations mainly placed in a county which partly consists of mountains and partly of cultivated lands, with a dense population?

Our stations are amongst the people.

1593. And are not the duties imposed upon your force, amongst others, attending upon all the fairs to see that no riots take place?

Yes.

1594. And attending upon the magistrates at their petty sessions; attending upon the assistant barrister at the quarter sessions; being called in and concentrated at assizes upon the meeting of the judges, and giving their testimony as witnesses, thus aiding in the administration of the ordinary law?

Yes.

1595. How would such services be consistent in your judgment, with their employment in the more remote mountainous and less inhabited parts of the country, where illicit distillation is mainly practised?

Of course, while they were so engaged, they must neglect the duty of looking after illicit distillation.

1596. In like manner, their removal from one county to another would likewise interrupt their special duties?

Yes.

1597. You have described very strongly the hearty good-will which subsists between the constables and the mass of the people?

Yes.

1598. If they were employed in duties which were calculated to interfere with the direct pecuniary profits of the people, above all in the more remote places, and to enforce a law which was not directed against a moral offence, but which was a law to protect the revenue; could you equally rely upon the continuance of that earnest good feeling and co-operation upon which you consider so much of the efficacy of your corps to depend?

That is one of the risks I refer to.

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1599. Is not it a serious risk?
The officers I have referred to think there is no risk; that we are sufficiently established in the estimation of the people to stand that test, but I confess I have a doubt on that point.

1600. Have you confidence in the opinions of any of the officers under you who have been examined before this Committee?
Mr. Tracey is the only one, I think, who has been examined.

1601. Viscount *Canning*.] Have you great confidence in the opinion of Mr. Tracey?
Yes; as an old constabulary county inspector, I think he is a very intelligent officer.

1602. He has a thorough experience of the constabulary force?
Very great indeed.

1603. It has been represented to the Committee, that the disadvantage which might otherwise result, as regards the good feeling towards the constabulary from employing them for the purpose of enforcing the revenue laws, would in a great measure be neutralized, if the population were to understand clearly, that the enforcement of those laws was considered by the Government as a part of the regular duty of the constabulary, and that the constabulary were not employed extra-officially, as informers, or merely as accessories to the Revenue Police; do you share in that opinion?
Yes, I do; I do not know how far it is possible to make illicit distillation an offence that should be included amongst other criminal offences, but if it could, I am quite sure that it would lead the constabulary to discharge the duty willingly.

1604. Supposing that it were to be understood, that the Government henceforward would consider an infraction of a law, whether a revenue law or whether a police law, as equally cognizable by the constabulary, and to be repressed by the constabulary, do you think that that would reconcile the population to the interference of the constabulary in matters of Excise?
I think it would, very greatly; and what I consider of equal importance, it would reconcile the constabulary themselves to it, because it is perhaps unnecessary for me to say, that the performance of revenue duties would not be very popular with our force.

1605. *Chairman*.] Are you aware, that at one period, and not a very remote one, illicit distillation was made not only a criminal offence, but a transportable felony, and that at the present time many offences under the Excise laws are made criminal offences, but that nevertheless the enforcement of those laws is vested in the Excise Police, subject to their own officers, and not to your constables subject to your officers?
I was not aware of that.

1606. Viscount *Canning*.] But is not it quite possible, that by making an offence against the Excise laws a felony, the severity of the law may tend to defeat its object, whilst leaving it as it is, a minor offence, and punishable only by a minor punishment, the enforcement of that more lenient law by the ordinary police may not raise the same feelings of discontent and dissatisfaction in the minds of the population?
I do not know what effect that might have; I would be very sorry to see severe laws enacted, as that would not only tend to irritate the people, but to annoy the conscience of those who have to enforce those laws; but it might be made a misdemeanor.

607. *Chairman*.] By the Excise laws as they stand, the Revenue Police are entitled to search in quest of spirits, even without a warrant; to break open doors and make searches without warrant; have your men any such authority as that?
None. Under the Excise laws, in case a discovery is made of the article sought for, such as illicit spirit, the officers are justified by that discovery for their previous acts, which otherwise would be illegal; but in the event of the spirit not being found, they are then subjected to damages, as the consequence of an illegal act.

1608. The

1608. The question I put is, have your people any power of enforcing a search, and breaking open doors without a civil officer's warrant?
No; not without a warrant from a magistrate.

1609. Supposing that they broke open a door without warrant, and that an action were to be brought against them, and that the Judge were to certify that they acted on probable cause, though without warrant, would such persons be freed from all responsibility except for personal damages, upon the Judge's certificate that they had acted on probable cause?
I am afraid not.

1610. Is there any case in which, going in search of any illicit article, stolen goods, timber, or anything of that kind, your constables would be authorized, when they have discovered the article, to destroy it?
No.

1611. Is not their order directly the reverse; that they are to preserve it, and produce it before the magistrate, and that it becomes part of the evidence of the fact?
Quite so.

1612. If, under the Excise laws, persons who with force resist or obstruct the exciseman, in certain cases, are declared to be guilty of felony, is there any such punishment with respect to persons obstructing or resisting your constabulary?
No.

1613. Do you consider that it would be practicable for the constabulary to undertake Excise duties without being brought, more or less directly or indirectly, under the control and authority of the Excise Board, or the Excise officer?
I do not myself see how it could be, without bringing them under that authority; I have heard it suggested that it might be so contrived by treating this matter of illicit distillation as a crime, and therefore having it dealt with like any other offence that the constabulary take cognizance of, and that in that way the whole of it might be managed without the interference of the Excise.

1614. If that were found not to be the case, and that we are compelled to assume that the services required were of a character that rendered necessary the interposition of the superior Excise, have I rightly understood from your evidence that such interference would introduce a species of double responsibility and double authority to which you would be directly opposed?
I think so.

1615. Many witnesses examined, particularly on the part of the Excise Police, have stated the great inconvenience resulting from the necessity they are under of escorting their own prisoners to the county gaols for great distances, disorganising their detachments, whilst the constabulary from the same petty sessions have to escort civil prisoners to the same county gaol, but do not take charge of the revenue prisoners; should you see any objection that the constabulary should take charge indiscriminately of all prisoners who are sentenced to imprisonment by the Justices?
I was until this moment under the impression that we did escort all such prisoners on the application of the revenue, where the Revenue Police party were unable to escort their own prisoners; that we escorted them on application, provided one revenue officer accompanied the party; those are the orders I have given on that subject.

1616. Earl of *Wicklow.*] Since what period have you given those orders?
They have been in force for many years; and it is further laid down, that while the constabulary are escorting revenue prisoners, they are to receive 3 *d.* a mile per man, a 1 *d.* of which is to be given to the constable, and the remaining 2 *d.* to be added to the Constabulary Reward Fund, although I believe our people decline receiving that money; and I think, therefore, there must be some mistake about our not escorting revenue prisoners.

1617. Then, in fact, if it should appear that there was a mistake on your part,

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part, and that such a practice did not exist, should you see any objection to its being established?

None.

1618. Should you see any objection to an order to the constabulary to give information immediately to the nearest Revenue Police station, of any private still that they might discover to be in work?

Ten or 11 years ago, Colonel Brereton, the officer who had charge of the Revenue Police before Colonel M'Lachlan, the present officer in charge, communicated with the Irish Government and me on the subject; and as it appeared monstrous that a force like ours should allow palpable frauds on the revenue to be practised without endeavouring to prevent or detect them, I issued a confidential order on the subject, which I now beg to submit to the Committee.

1619. *Chairman.*] Will you read that, if you please?

It is dated 21st September 1842:—"1. There being reason to apprehend, that notwithstanding the efforts of the Revenue Police, illicit distillation is still carried on to some extent in various parts of the country, and that such a practice, independently of the injury which it inflicts on the honest trader, is calculated to lead indirectly to the commission of serious outrages against the public peace, it has become necessary, in the opinion of Government, that for the suppression of the evil complained of, the constabulary should endeavour to aid the sister corps in a manner more general and effective than they have hitherto been called upon to do. There can be no question, that if the officers in command of districts, and constables in charge of sub-districts, be actuated with becoming zeal for the public interests, and be as intimately acquainted with what is passing in their respective localities as they are expected to be, it is scarcely possible that so systematic a violation of the laws as that above alluded to can be committed without their knowledge, and a desire on their parts to communicate such knowledge to the proper authorities. 2. The officers and all other members of the force are, therefore, strictly enjoined to seek every favourable opportunity of directing their vigilant attention to this matter, and should they discover the existence of illicit distillation, or such preparation for it as will enable the Revenue Police to act upon the intelligence which it may be in their power to afford, the officer or constable in charge of the nearest station will, without the loss of a single post, fill up and forward direct to the constabulary office, one of the blank returns which will be supplied to him for that purpose. 3. It is further directed that the force shall, when not employed upon the more immediate and legitimate duties of their office as conservators of the peace, afford, when required, effectual protection to Excise officers in the discharge of their duties. 4. The force are fully to understand, that while those officers and men who manifest alacrity and success in the performance of this important duty will increase their claims to consideration, the Inspector-general will not fail to call to serious account any who may be suspected of conniving or winking at a practice so injurious to the morals and peace of the country."

1620. Earl of *Wicklow.*] That was issued by you 10 years ago?

Yes; that was issued by me on the 21st September 1842.

1621. Have you reason to believe that has been strictly acted upon since that period?

I have reason to believe it has not been generally or zealously obeyed.

1622. Then to what do you attribute that disregard of so important an order as that?

I fear it arises from an erroneous but fixed impression on the part of the constabulary, that they would thereby become merely assistants and spies to the Revenue Police. With regard to the loss of time caused by the constables forwarding their information through me to the revenue office, I rather think that that arrangement was suggested by Colonel Brereton himself; at all events, I know that the object was to prevent the Revenue Police at the station from knowing the individual constable who gave the information, or from knowing that it came from the constabulary at all. But in the course of time, the existence of my order became generally known in the country, and in certain cases,

cases, it was complained of by the constabulary that some of the revenue officers were so imprudent when they went in search of stills, as to acquaint the guilty parties that their information was received from the constabulary; the consequence of all this is, that with some exceptions, it will be impossible to induce our men to act heartily or efficiently in aid of the Revenue Police. I have reiterated the orders in question without much effect.

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1623. Do you not believe that that feeling would prevail amongst them now, if any orders were given to amalgamate the forces in any way?

No, I think not; certainly not nearly to the same extent. So long as the Revenue Police are in existence for the purpose of putting down illicit distillation, the constabulary would be regarded, and would in some degree regard themselves, merely as informers to them. If an order from the Government was promulgated that this duty was to be taken by the constabulary in addition to other duties, it would be different.

1624. *Chairman.*] Exclusively?

Yes, exclusively.

1625. Viscount *Canning.*] At all events, in that case they would not be exposed to the disadvantage which they appear to have suffered in executing this order, of being denounced, as it were, by the Revenue Police, when the Revenue Police came to act upon the information derived from them?

The Revenue Police were, according to the feeling of the constabulary, obtaining credit with the authorities for their successful exertions, while they were seeking credit with the people, by seeming to be compelled to do their duty from the information they had received from the constabulary.

1626. And the population would no longer have the means of distinguishing between the informer and the regular enforcement of the law?

No.

1627. Earl of *Wicklow.*] Do you conceive, that if the constabulary were to be given this additional duty, they ought also to have the rewards which are now given to the Revenue Police for discoveries, those rewards being 2 *l.* a head for every person, and a given amount for every gallon of spirit or bushel of malt?

Our present system of rewards is different from that; we have what is termed a Reward Fund, made up chiefly by a deduction from the pay of the officers and men of the force, that deduction being made by Act of Parliament, and also certain fines; and that Reward Fund is very considerable; but with the view to prevent the mercenary feeling men are apt to have upon subjects of that kind, money of every description that may fall to the men of the force, as prosecutors, &c., is put into this general fund, and is only awarded to individuals according to the merits of each case. Gratuities are also granted out of the Reward Fund to the widows and orphans of deceased members of the force.

1628. Do you then think that it would be advantageous that this reward, now by law given to the Revenue Police, should be given, not to the individuals of the constabulary, but as an addition to that Reward Fund to which you have alluded?

It is rather difficult to know how to deal with this, because it would hardly be fair to those men who were acting in the counties where illicit distillation is carried on, and which are few in number, should be deprived of rewards which were exclusively due to them.

1629. *Chairman.*] Should you approve of the introduction of the revenue system, of direct head-money reward, and caption money for other things, as influencing your corps?

I am afraid, if not restricted, it might be injurious; at present, we seldom give money rewards, but substitute certain marks of distinction, which are conferred upon those men that show extraordinary merit; those marks consist of one or more silver badges worn on the arm; a certain number of silver badges or chevrons entitle the individual to a medal; no one has yet gained a medal; there are some very near it, but a medal is very difficult of attainment; to each of those badges is attached the sum of 4 *l.*, but that money is not paid until the man is discharged, when it is granted in addition to any pension or gratuity

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that he may be entitled to; if he dies in the service, those different sums are paid to his widow and children; and I must do the constables the justice to say, that I am quite sure they would rather have one of those silver badges with the 4 *l.*, than a much larger sum without the mark of distinction.

1630. Earl of *Wicklow.*] Do you not think that it would produce inconvenience, if not jealousy, if, those two forces acting together, one of them were entitled to such a high reward for every discovery, and the other were entitled to nothing?

I take it for granted, if they were to be united, that they would be made identical; that we should no longer have any distinction between our men and those of the revenue; they would all be precisely under the same regulations, and deriving the same advantages of every kind.

1631. Then, in that case, to establish a perfect uniformity, the reward should be taken away from the Revenue Police, or added to the other force; which of those courses should you recommend?

We have exceptions to our system of rewards; for instance, where our men at the sea-ports and elsewhere arrest deserters from the navy and army, the pecuniary rewards granted by the naval and military authorities are paid to the men who actually make the arrest, instead of being credited to the Reward Fund, and those might be considered analogous to the cases in question.

1632. In fact, you would prefer, if the reward be to be continued, that the constabulary should participate in it rather than that it should be exclusively given to the other party?

Yes.

1633. Viscount *Canning.*] But supposing that the two bodies were amalgamated, should you be at all fearful that the constabulary would be lax in doing their duty in matters of Excise, even if no reward were to be allotted to them for the performance of those duties, and if no reward were to be given to the Revenue Police, who would become associated with the constabulary force?

I would not.

1634. *Chairman.*] It is in evidence before us, on the part of the officers of the Excise Police, that, for the purpose of their still-hunting duties, they require that their detachments, when on active duty, should be as strong as 9 and 10 up to 13 men, in order to make resistance impossible; do you consider that the present system of stations and patrols of constabulary could furnish you with a force of that strength, their service being required two nights and two days at the least in the week, and in some instances, for five days or nights in the week?

I confess if the revenue duties were placed on the constabulary, I would rather be disposed, and probably compelled, to adopt a different course from that which I understand is now pursued in regard to them; but I make this observation with much deference, having no experience in the matter?

1635. Viscount *Canning.*] You mean as regards the obligation to be out a certain number of nights, and a certain number of hours each night?

Yes.

1636. *Chairman.*] By the 6th & 7th of Will. 4, (the Constabulary Act), with which you are familiar, the 15th section provides that the force is not to be employed to levy tithe or tithe composition to levy rents by distress, or to levy fines or penalties under any Act or Acts relating to the revenue, or to enforce any Acts for game or for fisheries, except where forcible resistance is made and proved; and in the Act for the levying of fines under forfeited recognizances, it is also provided that the fines to be levied by the constabulary shall not extend to any fine under the laws of Customs, Excise, Stamps, or Post-office, or any fines under the Game Laws; and by a late Act passed for the regulation of Petty Sessions, the same principle is for the third time repeated, that nothing in that Act shall extend to any information or warrant or other proceeding under the Acts relating to the laws of Customs, Excise, Stamps or Post-office, or relating to the preservation of Game; do you think it would be consistent, with a due interest and regard for the success of the constabulary, that those provisions so repeated in three separate Acts of Parliament should be repealed?

One of them I think has been repealed.

1637. Which

1637. Which is that?
With regard to the fisheries.

1638. In particular cases only?
Yes, in particular cases.

1639. But generally with respect to those three enactments passed at different times, each of which excepts from the operations of the constabulary those specified heads of service, do you think they might be all repealed?
The whole of them.

1640. Yes?
I should think not.

1641. Supposing it to be made a distinct part of the legal obligation and official duty of the constabulary to levy composition for tithes, or to enforce the laws with respect to game or rent, do you think the consequence of this duty being made obligatory by law would render the performance of those duties consistent either with the discipline of the constabulary, or the preservation of the public peace?
No; I think it would render them extremely unpopular.

1642. Earl of *Wicklow.*] Do you think it would be at all necessary to interfere with any of those Acts if it were proposed to make use of the constabulary for the suppression of private distillation?
No; it would be merely made an exception.

1643. *Chairman.*] The object of the question was the following: if casting the enforcement of the distillery laws as a matter of legal obligation upon the constabulary, and as a part of their regular duty, would reconcile the people to the enforcement of that law, why should not making it a part of their legal duty to collect rents or tithes, or to enforce the game laws, equally reconcile the people to that exercise of the constable's authority?
That becomes a question.

1644. Viscount *Canning.*] Is there not this difference, that in the case of the Excise laws, they are enforced for the collection of the revenue for the benefit of the whole country; whereas if the constabulary were employed for the purpose of recovering rent or tithes, or even in respect to the game laws, it would be considered to be a public force employed for the protection of private interests?
Certainly; there is a very wide distinction.

1645. *Chairman.*] Are you not aware that the gauger is an individual solely employed for the purposes of the public revenue; and may I not appeal to your Scotch, as well as to your Irish experience to answer for the fact whether there is any officer that can be well named who in both countries has been more universally unpopular than the gauger?
Certainly.

1646. You are aware that the temptation to which the Irishman is most disposed to yield, is the temptation of whisky?
I have heard so.

1647. Do you not consider it a matter of very great and serious importance to keep your well-disciplined force as much as possible out of that temptation?
Yes, certainly.

1648. If it has been shown, that in the force with which you were originally honourably connected, namely, Her Majesty's troops, their employment for the enforcement of the revenue laws, and for the suppression of illicit distillation, was found to be subversive of their military discipline, have you any great expectation of being able to protect the discipline of your own force if they were employed for such purposes, and exposed to like temptations?
There seems to be a great distinction. I think that any regiment, the best regiment in the army, were they dispersed in sixes and sevens over the country, as the constabulary force are, and exposed to the temptations that our people are actually exposed to, would fall into a state of absolute disorganization before the expiration of six months.

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1649. But in the case to which the question refers, so far from being so distributed in small posts and cantonments of sixes and sevens, they were only taken out under the command of their commissioned officer, and yet their service was found to be subversive of military discipline, regard being had to that fact, I now ask you whether there would not be a very great risk of bringing the constabulary within the reach of the same temptation?

I protest I do not see that; at present I think the constabulary, if they chose, could get as much whisky as they could drink; their duties are directed to inquiring after shebeen-houses, in seeing that public-houses are closed at the prohibited hours, and so forth; their favour with the publicans would be very important to those publicans, and I am quite sure they might drink now as much whisky gratuitously as they liked; and if those temptations do not very much injure their discipline, I cannot think their being employed as they would be in the performance of revenue duties, always under an officer, would lead to evils that do not occur when they are not under their officer's superintendence.

1650. Viscount *Canning.*] If it can be shown that the Revenue Police, who are habitually employed in the seizure of illicit spirits, are not impaired in their discipline by being put in the way of that temptation, may not it be fairly supposed that the constabulary force would be equally proof against the temptation?

Certainly, if their discipline is not injured by it.

1651. *Chairman.*] Have not cases come to your knowledge in which even the intercourse taking place in the performance of the official duties of the constabulary, in connexion with the licensed houses, has led to very great abuse, rendering it necessary to move, or, in some instances, to break up constabulary parties in Ireland?

I cannot recall to my recollection at this moment any case of that kind; but no doubt, as almost our only offence is drunkenness, such cases must have occurred.

1652. Do you recollect a case in the west of the county of Limerick, in the village of Foynes, in which not only was this intercourse proved to have existed, but a licensed publican, in order to defeat an investigation, most properly established under your authority, passed a whole night in forging documents to protect the constables charged, and thus deceive the constabulary authorities sent by you to carry on the inquiry?

Yes, I have a vague recollection of that case.

1653. It is part of the constabulary duty, I believe, to detect the shebeen-houses, and to punish the keepers of them?

Yes.

1654. Is that duty very perfectly performed?

I do not think it is, and I fear that its not being so, arises from the supineness of the constabulary, and also from what I conceive to be the defects of the law upon the subject.

1655. Do you not think that that partly arises from the indisposition on the part of the constabulary to meddle with as much zeal in an offence, which they consider connected with the revenue, as they would in any offence connected with the suppression of crime?

Certainly.

1656. Do not the constables, practically speaking, look upon themselves as a superior and a better conditioned force than the Revenue Police force?

I have heard they do.

1657. You have also stated that that neglect of the shebeen-houses duty arises from the other cause which you have described as a defect in the existing law?

Yes.

1658. Can you tell me in what respect the law, in your judgment, is defective, and how it could be amended?

At present, before any step can be taken, information on oath must be lodged before

before a magistrate, who issues his warrant to the Sub-Inspector of the district, and to him only, to search with his assistants the house in question, between sun-rise and sun-set; but the Sub-Inspector may be 30 miles away from the shebeen-house; he may be on duty at the time, and be absent for days together; and therefore his coming 30 miles to search for spirits in this unlicensed house, will in general be useless. Besides, I am told that the keepers of those houses very seldom or never use spirits of illicit distillation, but Parliamentary spirit, as it is called, which cannot therefore be seized. The next thing he has to look to is the quantity of spirits, which I understand very seldom exceeds that which is allowed in a private dwelling, viz., two gallons, I believe, so that the officer is defeated in that way. To the regular constabulary of the district, who are well known, the shebeen-house keepers will not sell spirits; neither will they sell to strangers, unless they be introduced by a friend, and, consequently, not to the detective policemen, who have been sent from other districts, for the purpose of pressing the sale; but though it be generally admitted to be extremely difficult to get a conviction, yet, in some districts, where the officers and men are zealous, they have put down vast numbers of those houses, which re-appear, however, with extraordinary rapidity, because even the penalty of 2*l.*, occasionally imposed, is a mere nothing in comparison with the profits derived from this illegal traffic.

1659. Supposing that no Excise licenses and no duty upon spirits existed, do you think that for the primary purpose of the constabulary itself, namely, the prevention of crime, it would be indispensable to enforce by law the visitation of all houses where spirituous liquors were sold?

I think no law too stringent can be enacted against those houses, because, independently altogether of the fiscal question, it is well understood that it is most frequently in them that the disaffected meet; they assemble at houses when they cannot remain in the licensed public-houses, which are closed at 11 o'clock every night; but they may sit up all night in one of those houses, and we have reason to think many of the most atrocious crimes have been concocted in those places.

1660. Viscount *Canning.*] Still, though it would be desirable, for the sake of preserving the peace, to put down such houses, the punishment that is inflicted, and the law under which that punishment is suffered, is an Excise punishment and an Excise law?

Yes.

1661. And to that extent the constabulary, in enforcing the law, are acting in aid of the Excise laws?

Quite so.

1662. *Chairman.*] Do you consider that an uniformity of system amongst your different stations and the whole of your force is a matter of very considerable importance for the due administration of your functions, and for the satisfaction of the men?

I think so, in a thousand ways.

1663. Does not it facilitate your transfer of large detachments from one part of Ireland to another?

Yes.

1664. Do you not sometimes find it necessary, and useful for the preservation of the discipline of your corps, to change the stations, and transfer different corps from one district to another?

Yes; and to the depôt in Dublin, to be further instructed.

1665. The fact being that illicit distillation prevails, almost exclusively, in particular counties, if the whole of those duties were cast upon the constabulary in general, would not the duties cast upon the constables in counties noted for distillation in Donegal, for example, be totally of a different description from the duties cast upon the constables in the county of Kildare, and the county of Meath, where illicit distillation does not exist?

As far as illicit distillation is concerned, no doubt the constables there would be acquainted with a part of their duties, which they were ignorant of in other counties.

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1666. Do you not consider that the duties which the constabulary would have to discharge would be very different and much more onerous, if, when moved from Meath to Donegal, in addition to all the duties which they were accustomed to perform in preserving order and the public peace, there were cast upon them, in the illicit distillery counties the duty of enforcing the revenue laws, and still-hunting in the mountains?

I thought it was understood that the ordinary police in those counties until illicit distillation should be put down would be increased.

1667. I assume the numbers to have been increased; still for such a service, performed, as necessarily it is, at night, and in the mountains where the illicit distillation is carried on, would not the work of the constabulary, in those counties where the illicit distillation prevailed be much heavier than in those counties where it did not prevail?

If additional duties were imposed, it is possible that what your Lordship suggests might be the effect; but it is also probable that it might not; because if certain duties requiring the exertions, say of 200 men, were to be so increased as to demand an augmentation of 100 men, I presume the increased duties might be so divided amongst the 300, as not to be more onerous than the usual duties were upon the 200 men.

1668. That is, assuming that the number was increased in proportion as the duties were augmented?

Yes.

1669. Therefore that quotient of the duty, divided by the numbers, would remain the same?

Yes.

1670. Have you any doubt whatever that the revenue duties would be more laborious and more repugnant to the constabulary than the duties they are now called upon to perform?

Certainly.

1671. Then do you not consider that the constable stationed in Donegal would not have so good and desirable a berth as if he were left in Kildare or Meath?

Not if his duties only be taken into consideration. But where the men have much to do, they have also a greater chance of being rewarded. In Tipperary, for example, where the police until recently had probably four or five times as much onerous duty to perform as in such a county as Londonderry, they were more frequently promoted, or otherwise rewarded; and zealous officers and men have applied for service in Tipperary for the purpose of distinguishing themselves.

1672. But in the case you have put, were not the duties in Tipperary and in Londonderry, although they might differ greatly in their pressure and weight, still duties of the same character, being those of the maintenance of the public peace?

Yes.

1673. Earl of *Wicklow.*] In the early part of your evidence you stated that you experienced much greater difficulty now in getting proper persons to fill the vacancies in the constabulary than you formerly had in Ireland?

Yes.

1674. And you added, that there was a feeling of repugnance on the part of the constabulary to performing those revenue duties; do you not think that under those circumstances you might increase very much the difficulty of obtaining recruits to the force if this additional duty were imposed upon it?

That is my fear; that is one of the risks I have alluded to.

1675. Do you not consider that a very serious risk?

I think it is serious.

1676. Viscount *Canning.*] Supposing that it were ascertained that the difficulty experienced by the Revenue Police in recruiting their forces is not increased more

more than the difficulty which you find in recruiting yours, might not it be fairly argued that you would still be able to recruit your force as easily as at present, though you might impose upon them those revenue duties?

Yes; if the revenue authorities find it necessary to have men of the same character, and education, and height, as those forming the constabulary, and who appear to be indispensable to the efficiency of our force: I know not whether it is necessary to test recruits for the Revenue Police in reading and writing to dictation, as in the constabulary: hitherto they have been satisfied with men of lower stature than those in the constabulary police.

1677. Earl of *Wicklow.*] I presume, taking all those circumstances, particularly that last which I have alluded to, into consideration, when you say that, notwithstanding you have changed your opinion, and have been led by the opinion of others to the conclusion, that the force under your command might be so applied?

Yes; because they assure me, and I am very anxious to believe in so desirable a fact, that though we should be oppressed at first, yet in a short space of time illicit distillation would be so subdued, that such duties would be greatly diminished, if they did not altogether cease.

1678. *Chairman.*] If the question were put to you, both upon your own knowledge, and upon the information that you have received, supposing it to rest solely upon your own judgment, with a view to the discipline of your own corps, and with a view to the discharge of their primary duties of keeping the peace, which would you recommend as a system, that you should be charged with your own exclusive duties, the revenue duties being left to a revenue body, responsible to a revenue authority, or that those duties should be amalgamated and cast upon the constabulary?

I should certainly decide in favour of our being left as we are.

1679. Viscount *Canning.*] At the same time, assuming that the Government see advantage and economy in requiring the constabulary to undertake revenue duties in addition to those they now perform, you are not prepared to say that the risk of weakening the force of the constabulary, as conservators of order, would be very great, or that the danger of impairing their discipline would be very great, if the Government were to decide upon following that course?

No; if the present strength of the Revenue Police be deemed unequal to the increased duties that may be placed on them, and the Government decide upon following the course referred to, I think the risk is worth running for so important an object; and this I can say, that the officers of the force, at least, and I would fain hope the men also, whatever their sentiments may be on the subject, will most zealously co-operate with me in endeavouring to fulfil the wishes of the Government.

1680. Then, if I understand rightly, your objection would amount to this, that your force being now in a very high state of discipline and efficiency, the officers of it having every reason to feel proud of the men under their command, they would prefer, as a matter of choice, that no change should take place either in the organisation or the duties of the force, and that the force should remain as it at present exists?

Yes, that is the feeling: many of them, those who think otherwise, are of opinion, that, for the benefit of the country, we ought to undertake those duties, in the discharge of which, they see no risk whatever; but I express my doubts on the subject.

1681. Your own feeling is rather that it will be better to leave well alone, than to run any, even though it be a slight risk?

I consider, that if illicit distillation could be put down by any other means, I would rather that we were not called upon to have anything to do with it.

1682. *Chairman.*] Therefore, the inference you raise is, whether the altered system of amalgamation would or would not be effectual in putting down illicit distillation?

Yes.

1683. That is the whole ground of it?

Yes.

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1684. Earl of *Wicklow.*] Do you conceive this proposed alteration can take place by order of the Government without an Act of Parliament?

I presume it cannot; we are expressly prohibited by law at present from interfering.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Friday next, at One o'clock.

Die Veneris, 29° Julii 1853.

LORDS PRESENT:

Earl of Wicklow.	Lord Stanley of Alderley
Viscount Canning.	Lord Monteagle of Brandon.
Lord De Tabley.	

THE LORD MONTEAGLE of Brandon in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

John Mullarchy.

29th July 1853.

JOHN MULLARCHY is called in, and examined as follows:

1685. *Chairman.*] IN which force are you?
The constabulary force.

1686. Viscount *Canning.*] What office do you hold in the constabulary force?
I am first head constable.

1687. Have you held that office a long time?
Twenty-one years and three months.

1688. What grade did you formerly fill?
That of sub-constable.

1689. In what part of the country are you now quartered?
Castlebar, in county Mayo.

1690. In what other parts of the country have you been?
I served a year and 10 months in Loughrea, in the county of Galway; I served in the Kilrush district in the county of Clare, 14 years, and five years in Castlebar.

1691. How many men have you under your authority?
At present I have 20 men in the town of Castlebar, and there are somewhere about 48 men in the district.

1692. In the town of Castlebar is there any officer stationed who is in higher authority than yourself?
There are two, a county inspector and a sub-inspector.

1693. What should you say of the present condition of the constabulary force in Ireland, so far as you are acquainted with it; is it satisfactory and efficient?
It is.

1694. Has it improved since you have been a member of it?
Very much so.

1695. What should you say of the feeling of the population towards you as a body?
At present the feeling is exceedingly good.

1696. Have you ever known it otherwise during the time you have been in the service?
I have; at the time the Terryalt system prevailed in Clare there was a bad feeling against us by a great many people who were punished through our means; but the people now find we are their best friends, and we are on very excellent terms with them.

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1697. Is the part of the country in which you are quartered a district in which offences against the peace are prevalent?
Not very prevalent; occasionally offences are committed.

1698. Do you happen to know whether it is a part of the county of Mayo in which offences against the Excise Laws are prevalent?
It is.

1699. Can you of your own knowledge state what is the force of the Revenue Police stationed in and about Castlebar?
I can; there are 14 men and an officer in Castlebar, and 14 men and an officer at Pontoor.

1700. What distance is that from Castlebar?
Ten miles; then there are 14 and an officer at Newport.

1701. That is about the same distance?
About the same distance; 14 and an officer in Ballina, Tirawly.

1702. It is not the habit, I believe, of the force with which you are connected, to assist in any way the Revenue Police in the prosecution of their duties?
Not exactly to assist the Revenue; but we have undertaken to punish parties for selling whisky, not being duly licensed. I have done so myself.

1703. You allude to the shebeen houses?
Yes.

1704. Have you done so in many instances yourself?
I have had 20 convictions within the last 12 months.

1705. *Chairman.*] You have spoken of this duty of suppressing the shebeen houses as assisting the Revenue Police; are you not aware that the suppression of shebeen houses is given especially in charge to the constabulary as part of their own duties?
We have had very strict orders to pay strict attention to the suppression of them.

1706. Viscount *Canning.*] Do the men in your force feel any disinclination to act upon that duty, namely, the suppression of the shebeen houses, as partaking of a duty connected with the revenue rather than with the preservation of the peace?
I never knew any feeling of the kind; we have a very strong circular with regard to that, and strict orders, and we comply with any orders we get; and we take no notice of the revenue at all in the matter; it is a duty imposed upon us.

1707. *Chairman.*] Within your own neighbourhood and your own knowledge, are there not a considerable number of shebeen houses which escape you, and which are still kept open for the sale of spirits?
There is no doubt of it; when on patrol at night we have the licensed publicans under our control; we get them to close their houses at 11 o'clock at night. When we get to those shebeen houses, they know that we are about at that hour, particularly on the streets, and they close the doors, at the same time that there may be fully 40 to 50 or 60 parties drinking in their houses, and when we rap at the door they will ask, "Who are you?" and so on, and when we say, "The constabulary," they will tell us, "We have only lodgers." We are kept out of those shebeen houses in this sort of way about a quarter of an hour, until they can have time to put the whisky jugs and glasses, and all those sort of things aside, and then we go in, and I ask the people, "What is keeping you here till this hour of the night," and they say, "We are lodgers;" and it is in that way they have escaped. I have a very particular eye upon that description of people.

1708. Viscount *Canning.*] Do you find that the performance of that duty tends to make the constabulary at all unpopular amongst those upon whom it has to be exercised?
It does not make us at all unpopular, unless with the lower orders of the people, because no person keeps a shebeen house unless a person of low character, I might say; but the well-disposed wish those places to be done away with, and particularly the licensed publicans.

1709. But

1709. But one result of the good terms upon which the constabulary are with the population is, that they frequently obtain information in regard to any breaches of the peace that may be going on or contemplated, that they could not obtain if they were on bad terms with them?

If there is an outrage against life or property, or anything like that, we would get information from the respectable portion of the community; but as regards illicit distillation or those poteen houses, we should get no information from any one, because, though it is depriving the revenue of what it is entitled to, no parties, whether respectable or otherwise, feel inclined to give information on that head; they take it as a matter of course.

1710. *Chairman.*] They do not consider it a moral offence?

They do not consider it a moral offence.

1711. Viscount *Canning.*] The useful information the constabulary obtain, is obtained more from the respectable part of the population than from those who frequent shebeen houses?

It is. Sometimes we may get information from an inferior person, or a person of bad character, but if you did get information from him, he would be expecting something for it which we could not give; at the same time we might get the information from him, and make use of it.

1712. *Chairman.*] You mean by something from you, some pecuniary reward?

Yes; I mean that.

1713. Viscount *Canning.*] From your knowledge of the country in which you live, what should you say was the character of the people who are engaged in illicit distillation?

They are small farmers; perhaps parties having from six to eight and ten acres of land.

1714. Should you class them amongst the people who frequent the shebeen houses of that lower order?

I do class them as such.

1715. Therefore, it may be inferred, that in the way of information as regards breaches of the peace or any outrage that may be contemplated, you do not obtain much information from that class of people; those who are engaged in illicit distillation, that is?

No.

1716. So that any measure which in the execution of the orders of the Government you might be called upon to take against those engaged in illicit distillation, would not tend to cripple your means of obtaining information?

It might in one respect; at present there is no doubt we get useful information from the respectable portion of the community, and occasionally from the other class; but I think if it were known we were identified with the revenue in this duty, and that we gave them information, it would certainly injure the service.

1717. They would look upon you as informers?

I think so.

1718. *Chairman.*] The illicit distillation and the kindred offence of malting, is chiefly in the country, in the mountains?

It is.

1719. And many of the farmers in the country have an interest in carrying it on, notoriously?

They have.

1720. Leaving out of account the legal offence of illicit distillation, are not many of those farmers who so connive at the practice of distillation, of the respectable class of the community?

Some are; many of them are.

1721. If your force, whose efficiency you have described, and the good feeling towards whom on the part of the people you have spoken of, were considered to be the administrators, the receivers and givers of information for revenue purposes,

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poses, do you think that those farmers who may be more or less connected with illicit distillation, would give you information as freely as they do now?
I know they would not; I am satisfied they would not.

1722. Viscount *Canning.*] Supposing that your duty were not so much to give information respecting illicit distillation to the Revenue Police, but to act in suppressing it yourselves, thereby divesting you of the character of informers, and making you the agents of the Government for the enforcement of the revenue laws, do you think that in that case your means of obtaining information would be weakened?
If that duty was imposed upon us, we may be for some short time unpopular with the people; but I fearlessly say, if it were exclusively a duty imposed upon the constabulary, they would put a final stop to it in twelve months. We know every man in our district; we know the heads of every family in our district; we know the members of the family; we know the quantity of land he has, and we know every thing connected with him; and if it were once known that the duty was exclusively placed upon us, they would give it up at once, because they could not carry it on without our knowledge.

1723. Then assuming that you would succeed in putting an end to illicit distillation in twelve months, do you think at the end of that twelve months your efficiency in regard to your ordinary and present duties of preserving the peace and keeping down outrage, would be in any degree weakened by having that new duty put upon you?
I should think so; I will take the county I am quartered in. It is a very large county, the third largest in Ireland; there are only 280 constabulary, and they are detached in small parties through the county. For instance, if an outrage took place to night, the parties would come at once with information to the barracks, or we might hear of it and proceed at once to the spot, as we always do; it might happen, if we had the other duties to perform, we might be on that duty at the time, and only one man in the barrack; it would interfere in that way; I am only just thinking that it may be so.

1724. That is, assuming that with those new duties put upon you, your force was not increased or differently distributed from what it is at present?
If the force was increased, I think we could discharge the duty, but as it stands at present, it would be very difficult; I think it would be injurious to the public peace at present to impose the duty upon us with the small force we have, and detached as they are through the county.

1725. Should you anticipate any risk to your men from their having this new, and to a certain extent somewhat obnoxious duty put upon them in the event of their continuing to patrol, as they now do in small numbers; in what number do your men patrol in that part of the county?
From three to four, but on market nights or on fair nights, more, four men and a constable; I generally go myself with that number; or I would suppose the head constable of any town goes with four or five or six men, as the case may be, on market or fair nights, and on every other occasion, three men.

1726. *Chairman.*] How many men, on an average, are there in each of your parties?
Four men and a constable in the out-stations.

1727. In those out-stations how is it possible that four men and a constable should furnish the means of a patrol consisting of five, and protect their barrack during absence?
They do.

1728. Who is kept in barrack?
There is a barrack orderly left in the barrack.

1729. I understood you to say there were four men and a constable, and that the party thus consisting of five, the patrol consisted of four men and a constable?
I meant the head-quarters of the district, where I am quartered myself; in country stations they can send no more than three out.

1730. And that probably would be the case in those parts of the country where illicit distillation is most carried on?

It

It is in those parts.

1731. Assuming that state of the arrangement of the constabulary to continue, do you think that in the event of your having that new duty put upon you, there would be any risk to your men in the event of your having to patrol in small bodies of three or four at night in those districts?

Suppose they happen to meet with illicit distillation going on, or that they attempted with three men to make a seizure, I know there would be risk then.

1732. Do you think there would be risk, setting aside the case of illicit distillation being discovered, of wanton and unprovoked attacks on the part of those who owed your men a grudge, in consequence of their having interfered with their distilling?

I think not.

1733. The danger would, in your opinion, only arise in the event of a very small number of police, such as has been described, attempting to execute a duty manifestly beyond their force?

Yes.

1734. *Chairman.*] Can you tell us what the constabulary force is at present in the county of Mayo?

Two hundred and eighty-four I think it is.

1735. And in how many stations?

1736. By the official return made from the Board of Excise and laid before the Committee, it would appear that in the county of Mayo there are 20 officers of Revenue Police, and 130 men, making 150, who are exclusively employed in those revenue duties. From your knowledge of the constabulary force in Mayo, if it were charged exclusively with those revenue duties in addition to their own, is it your opinion that it would require an augmentation?

I know it would.

1737. To what extent do you think it would require augmentation?

I think there ought to be a constable and eight men in each out-station if that duty were imposed upon them.

1738. Do you think the number of stations ought to be augmented as well as the number of men at each station?

As far as my experience goes, I would sooner strengthen the parties, and leave the stations as they are; I would have more confidence in having a strong party going on such duty as that with me.

1739. You think that the success of your experiment would be very much dependent upon your having the strength with you that would render resistance, if it took place, unavailing?

Yes, if we went on any duty, even as we stand at present, and if we were repulsed or disappointed, that would have a very bad effect; it might embolden others to have recourse to a similar course of resisting us again, and my principle would be to always have a strong party, to insure success, and give them no such opportunity of resistance.

1740. Is not the result of your experience with respect to fairs and places where riots are apprehended the same, that it is expedient to go with a commanding force, that will render resistance unavailing?

It is.

1741. That is the principle upon which you have gone?

Yes.

1742. And do you not think that the principle of the application of a commanding force and success has been one of the causes that has contributed ultimately to increase the moral strength that is felt by you?

Yes; when our service was in its infancy, we did not attend fairs, and very many persons have been murdered, and consequently serious outrages took place; we attended the fairs then, and have brought them to that extent of order, that very few outrages take place.

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1743. Is not the following your general course, and if it is, will you tell the Committee what has been its result; if there be riots or disturbance, do you not, where you have a small force, note down the names of the rioters and their residences, come and summon them to the following petty sessions, rather than interfering by force, when it is possible that you might not be successful?
That is the course we adopt.

1744. Do you not think that course is prudent and effectual, and prevents a great number of violent collisions, that would be dangerous to the constabulary themselves as well as to the public peace?
I do; I have recourse to that very system you describe now; on several occasions I have found it effectual; when parties see you, though they may be fighting they see you take their names; in fact, that has the effect of deterring them; they know they will be brought before a magistrate, and punished.

1745. How would that mode of proceeding be applicable in respect to the seizure of stills and spirits, and of malt; if those implements of illegal practices are not seized upon the moment by force, should you have any great expectation of finding them, or of compelling the people to produce them at a subsequent day?
If you do not succeed in taking them on the spot, I think there would be some difficulty in finding them afterwards.

1746. In your own knowledge, are they not very moveable?
They are.

1747. And is not there such a fellowship throughout the country with respect to the distilling of the produce of the land, that every man in the country would be anxious to carry the still and implements off, to conceal them and baffle the constabulary or the Revenue Police the next day?
No doubt of it; I have seen the Revenue Police out on duty myself, and a man going with a still in his hand; that is the head of it, and he was met; there was a line of people, the one would meet the other and relieve him, and carry it two or three miles along the country, so that the man was regularly relieved till they got it out of the sight of the Revenue Police altogether; he was relieved by about 20.

1748. Earl of *Wicklow.*] Did you see that yourself?
I saw that myself.

1749. In fact, then, if your force had orders to interfere in that case, you could have stopped it?
This is a casual thing.

1750. I speak of that particular case: supposing your force had instructions to interfere where they could in aid of the Revenue Police in a case of that kind, you might have been successful?
They might not. When he was met in the manner I have described, a fresh man came up to the man that was tired, and made off, and so he might have succeeded in getting away from us.

1751. *Chairman.*] That organization would have defeated your object, unless you had had a similar organization to meet it with?
Yes.

1752. Have you, in the county of Mayo, or anywhere else, had opportunities of seeing the conduct of the people in respect of wrecked ships or smuggled goods, tobacco, and other foreign goods, or spirits, or anything of that kind, brought in?
I have had several opportunities of judging of that: when a vessel comes into port by stress of weather or otherwise, the inhabitants about that coast fancy that the property of that vessel belongs to them, and they do make attempts at plunder.

1753. Is there not a very great difficulty in interferring effectually in cases like that, from the fact that the offence is one which the people of the country, perverted, no doubt, in their judgment, do not consider to be criminal or immoral?
They do not consider it to be a criminal offence.

1754. And if, in cases of that description, your force possessed the authority to act and suppress the illegal act, and to take the property whatever it might be,

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that was the object of plunder, do you not think it would be taken up the country by the people, and dispersed at once, and all traces of it be inevitably lost?
I am satisfied it would.

1755. Viscount *Canning*.] This organization on the part of the illicit distiller tells as much now against the success of the Revenue Police, as it would against the success of your body, if the duty was put upon you?
This was only one solitary instance I have described; but I know it is the case on various other occasions. But I am of opinion that if the duty is exclusively imposed on the Irish constabulary, they would put a final stop to it in a short time.

1756. And so far as your district is concerned, you think that an addition to your force, to the extent of placing eight men upon every now existing station, would enable you to accomplish that?
I am satisfied of that.

1757. What additional number would that give?
That would give three men additional to the parties now quartered there. There are four men and a constable in each out-station now, and by adding three men more to each station, that would make eight men and a constable.

1758. How many out-stations are there?
There are six out-stations in the district of Castlebar.

1759. *Chairman*.] Do you know how many there would be in Mayo?
I do not.

1760. There are 49 stations in the county of Mayo?
Yes, 49, I believe.

1761. Viscount *Canning*.] And those 49 stations, are they all stations which would require that addition of three, as you propose?
There are some of those stations head quarters of the district; so that, I believe, there are nine districts in the county; that would be adding to it 27; the head quarters of the district would not require the reinforcement.

1762. *Chairman*.] You think they are strong enough already with their present strength?
I think, to make the force efficient, and to meet those things, if the duty were imposed on them, they do require three men in a station, taking the men at head quarters and out-stations on the average.

1763. Viscount *Canning*.] Then, one way and the other, the necessary increase in the county of Mayo, in your opinion, would be about 150?
Yes.

1764. *Chairman*.] Would that be of men only, or would there be a proportionate increase, wanting of officers?
No; I think the officers would discharge the duties as they do at present, without an increase.

1765. Can you inform the Committee what the difference of pay, if any, may be between the Revenue Police and the constabulary?
The constabulary have different grades: when first a man joins the constabulary he has only 24 *l.* a year; after the first 12 months, if his conduct is good, and there are no complaints against him, he gets 27 *l.* 10 *s.*; then the Revenue Police have 10 *s.* 6 *d.* a week; but their pay is as good as that of the constabulary, for they are allowed for seizures and rewards, and things of that kind; that makes their pay better than the constabulary, in fact.

1766. Viscount *Canning*.] Should you say, generally speaking, that the character of the men from which the two forces are recruited, is pretty much the same?
I consider that the constabulary are the more respectable parties; very many come to get into the constabulary; they are not fit; they are not found eligible; then, as a resource, they go, and are admitted into the Revenue Police; parties have been admitted into the Revenue Police who were illiterate, that is, not educated; that is never the case in the constabulary; the parties who are admitted into the Irish constabulary must be recommended by magistrates and gentlemen, and by

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the clergy of the parish, and must be able to read and write well, and be of good intelligence.

1767. *Chairman.*] When you refer to the time when you say the Revenue Police were not illiterate, you refer to the time before they were reformed under Colonel Brereton?
Yes.

1768. Since then you are aware the regulation is the same with respect to requiring a certain amount of literary education in both services?
It is; they do not admit them without they know how to read and write well.

1769. Then you are clear upon this, that, generally speaking, a young and qualified man is more desirous of getting into the constabulary than he is of getting into the Revenue Police?
Yes.

1770. Does not your force look upon itself as a superior force to the Revenue Police?
It is considered more respectable, even by the public, and of course by ourselves.

1771. Do you not think that that arises in a great degree from the nature of the duties which you are called upon to perform as compared with the duties which they are called upon to perform?
There is a great deal of difference certainly; the public know that we have various duties to perform of very great importance; we have life and property in our hands, I may say, and no doubt the importance of our duties may enhance us in public estimation.

1772. Pursue the comparison, not only from the force generally of those who are subordinate to you and the privates, but of the higher class of the service; take your local Inspectors or your Sub-Inspectors, or your County Inspectors, or any of your officers, do they, do you think, or the supervisor and gauger, stand best in the public opinion and good-will of the people?
The County Sub-Inspector much more so.

1773. It is quite a different thing?
Quite a different thing altogether.

1774. Do you not think that that arises a good deal from the duties which the constabulary have to perform, being, generally speaking, duties in which all the well-disposed people of the country, and the great mass of persons who may be classed amangst the most intelligent, feel that they have a general interest, causing them to wish well to the body that protects their life and property?
Yes.

1775. Do you think anything of that kind does exist, or will exist, in any of the counties where distillation prevails, in favour of the men whose sole duty is forcibly to suppress a practice which is profitable to the great number of the people, and which is not considered to be a breach of the moral law, of the law of God?
I certainly think not.

1776. You have got, I believe, a Preventive Custom-house establishment or coast guard in Ireland; have you seen some of those men at different places in Ireland?
The coast guard is very popular in Ireland; but they merely protect the coast, and it is only once in ten years, perhaps, they do anything at all.

1777. If they seize a cargo of smuggled tobacco, endeavoured to be introduced into Killella Bay, or run up the river to Ballina, would the people have the same feeling against the seizing of the tobacco that they would have to putting down a still in which they are themselves engaged?
They would not, I know.

1778. Viscount *Canning.*] But, to recur to the supposition that the duties of protecting the revenue laws, as well as protecting life and property, were put upon the same force, do you think it a necessary consequence that the force which you have engaged in the execution of those general duties to protect the revenue laws,

as

as well as the other laws of the land, would upon that account become unpopular with the people?

For the first five or six months they might be, and we should have a very onerous duty to discharge. At the time of the Terryalt system, they were unpopular, but when the people found we were doing what was right, and making good citizens of the people, we got on good terms with them, and it would be the same with the revenue laws; when the people found it was a duty imposed upon us, and that we had to discharge it, though we might at first be unpopular, I know we should get again on the same terms.

1779. Do you not think that the people would learn from that, that it was the determination of the Government that the laws of the country, whether revenue laws, police laws, or laws for the protection of life and property, should be equally respected, and that obedience should be enforced to them by the same arm?

Yes, it is my opinion that they would; and I think when it became generally known that that duty would be imposed upon us, that the people themselves would drop the system, because they would find that they could not carry it on without our knowledge.

1780. *Chairman.*] That arises altogether from your confidence in the discipline of your men, and in the acquiescence on the part of the people in your authority?

Yes, entirely.

1781. You have had no experience yourself at any time in the enforcement of the whisky laws?

No experience; but I know this, though perhaps it may be saying too much, that we have scarcely ever taken anything in hand and not accomplished it.

1782. When you spoke of the Terryalt system, in the county of Clare, and stated that there was a certain degree of unpopularity attached to the constabulary in the first instance, which was afterwards overcome, were not many of the acts of the Terryalts practically a kind of internal conflict between the people of the country and the farmers; did they not attack and break down the fences, and drive away the cattle, and visit the farmers houses at night?

Yes, they did; that was it.

1783. Then your movement to suppress that Terryalt system was an unpopular movement to that class of the community that were engaged in the civil commotion?

Yes, just so.

1784. And that was a very numerous class?

A very numerous class then.

1785. In that instance you were called upon to perform unpopular duties?

Yes.

1786. And you succeeded?

Yes.

1787. And ultimately all classes in the community felt the duties upon which you had been engaged, and in which you had succeeded, were duties conducing to their own well-being and their interests?

There is no doubt of it.

1788. Was not the property of the farmer rendered more secure by your services, and his means of prosecuting his own business as an agriculturist protected?

No doubt of it.

1789. You have stated that ultimately it became the interest of all parties that you should have put down the Terryalt system?

Yes.

1790. And it was so felt, especially by the farming class of the country, whose interests were endangered?

Yes.

1791. Then would the same effects be produced, if, in place of putting down the Terryalts, you had been putting down the illicit distillers, by whose exertions the farmers themselves were realizing a considerable increase of profit?

I think it would, ultimately.

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1792. And that they would be satisfied with losing their profit, as the result of putting down illicit distillation?
I have seen a great deal of it in my boyhood, and I never knew a man carry it on yet to profit by it.

1793. Viscount *Canning*.] Supposing, without putting upon your force the duty generally of suppressing illicit distillation, they were called upon to aid, more than they now do, the Revenue Police in that duty, is there any manner which you can point out in which, without impairing their own popularity and efficiency, they might contribute to it?
I do not know of any way they could contribute at present to their assistance more than they have done already in regard to protecting those persons keeping licensed houses, and so on.

1794. Supposing they were called upon to escort prisoners taken by the Revenue Police, and sent to gaol by the magistrates, and to hand them on from one station to another, till they reached the county town gaol, that would be a relief to the Revenue Police, and do you think it would at all interfere with the discharge by your force of their duties?
I do not think it would much interfere with our duty, because the prisoners would be escorted from station to station; to pass them from one to the other would not be any serious inconvenience to us.

1795. *Chairman*.] Are not the prisoners mainly who are sent to gaol now transmitted from the petty sessions, where the magistrates have inquired into the cases?
In many instances, where cases come on at petty sessions, parties may be remanded for further examination, and they are sent into Castlebar, probably for a week, and sent back again.

1796. Still, the most part of the commitments to the county gaol go from the benches of the petty sessions?
The great majority.

1797. You are aware that a great portion of the revenue prisoners are convicted by the magistrates at ordinary petty sessions?
The majority are.

1798. Would there be any difficulty, then, when you had to transmit prisoners charged with civil offences against the peace, that your party should likewise transmit the revenue prisoners?
No difficulty.

1799. Viscount *Canning*.] At present you are not authorized to take any notice of the conveyance of spirits, whether legal or illegal, along the road?
Just so.

1800. Earl of *Wicklow*.] Supposing you were patrolling, and you met a man with a couple of kegs on a horse, in the usual manner in which illicit spirits are carried through the country, should you think yourself justified in stopping and inquiring into the nature of the matter he had?
I might consider myself justified in inquiring and asking questions; but I would not consider myself justified in seizing it.

1801. So that, if he admitted it was illegal spirits, you would not feel yourself justified in seizing it?
No: a constabulary officer did make a seizure, and the opinion of the law officer of the Crown was taken on it, and he pronounced it an illegal act.

1802. Viscount *Canning*.] Do you think that if you were authorized to seize it, in the event of its passing your barracks, or passing before a patrol of your men, and you were to act upon that authorization, would that tend to make you unpopular with the people at large, or to interfere in the discharge of your other duties?
I think it would; in fact, my opinion is, that anything short of all the duties of the revenue being imposed upon us, would tend to lower us in public estimation.

1803. *Chairman*.] You would not apply that to the question of escorting prisoners?

That

That is the only exception; I would find no inconvenience in that.

1804. Earl of *Wicklow.*] Supposing the number of Revenue Police to be 150 in the county, if your force was augmented in those portions of the county where the private distillation is carried on, do you think that you would then be able to suppress it without any further aid from the Revenue Police?

I do think so.

1805. And without injuring your force, either in the opinion of the country, or in the performance of its other duties?

At first we might be a little unpopular, but I think it would wear away.

1806. *Chairman.*] You are not acquainted with the state of the revenue laws, or the peculiar duties that are cast upon the Revenue Police, are you?

Not further than this; I know that they are bound to go on duty four times in a week, and it is imperative on them to go four miles from their quarters.

1807. You have just been asked a question with respect to stopping spirits in transit; all the head officers of Revenue Police are, as you are aware, Excise commissioned officers, as well as police officers, and have to perform the duty of stopping a man who is carrying spirits, and looking at his permit. The officer so acting would know whether the permit was a legal permit or not; and he would be able to ascertain whether it corresponded with the Act of Parliament; if he went into a mill, he would have the power of seizing the malt which was found in a place not registered or licensed, and he would have the power of seizing it if it was made contrary to law. Supposing you could put down illicit distillation as an offence (making it an offence), would you have the power of enforcing the revenue laws in their application to other matters, or have you any knowledge about the revenue laws at all?

I have not.

1808. As far as any portion of those laws and those duties executed by the Revenue Police render necessary a knowledge of the revenue laws in their application, that would require to be added to the knowledge of your force, in order to make it equally efficient with the other force?

We should want a code; that is all we should require.

1809. I presume your people would have no difficulty in discriminating between the Parliament whisky and poteen?

I know I should not have any difficulty, though there is a strong analogy between the scent of the old Scotch whisky and that of poteen; but I could distinguish between them.

1810. Viscount *Canning.*] You have no doubt, I suppose, that any experience and learning that the Revenue Police have been able to acquire in the execution of their duties, would be equally acquired by such men as form your force?

I think it would take us but a very short time to learn their duties.

1811. *Chairman.*] You are aware of the class of persons that are now employed as the Lieutenant of the Revenue Police?

I am.

1812. They are selected from the same persons as your own superior officers are?

They are gentlemen.

1813. Well-educated men?

Country gentlemen, and well educated.

1814. Therefore, to compare the knowledge of the revenue laws which they have acquired with the knowledge to be acquired by your force, is to compare the knowledge that the superior officer, that is, the Lieutenant of Revenue Police, has acquired for the discharge of his duty, and to suppose that to be added to the knowledge acquired by your head constables and your superior officers, is not that the case?

Yes, it is.

1815. It is not the mere knowledge that would be required by the sub-constable on the one hand, or the private in the Revenue Police on the other?

No.

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1816. It is the knowledge required by the head of the force?
Yes.

1817. Earl of *Wicklow.*] Supposing the only additional duty placed upon your force was that of suppressing private distillation, or of preventing the increase of private distillation, do you think there is any further knowledge than that now possessed necessary to be acquired to enable you to perform that duty?
I do not think there is.

1818. Viscount *Canning.*] You have expressed an opinion against the constabulary force being employed in support of the revenue laws in any other way than by having the whole duty put upon them?
Yes.

1819. What are the instructions under which you are at present acting in regard to the communicating of information, in case you have received any, respecting an illicit still?
If we receive any information, we are bound to acquaint the next revenue officer of the information we have received.

1820. Earl of *Wicklow.*] Have you that order now?
Yes.

1821. *Chairman.*] Is that a written order?
It is a circular from Sir Duncan M'Gregor.

1822. Viscount *Canning.*] When you say the next revenue officer, how is that done?
The person who gets the information reports it officially to the officer of his own district, and he communicates it to the next revenue officer.

1823. For instance, supposing one of your men were to come off his patrolling, and to inform you that he had reason to believe a still was set up, or was going to be set up, in such and such a part of the mountains, what would be your course of action?
I would report it immediately to my officer, and he would report it from himself.

1824. Your business individually is to report it only to your own officer?
Yes.

1825. Earl of *Wicklow.*] Then your own officer would report it at the same time to Sir Duncan M'Gregor, and to the revenue officer nearest to him?
That would be his duty.

1826. To report both simultaneously?
Yes.

1827. *Chairman.*] You have not seen Lord Eliot's letter of instruction upon this subject?
No, I have not; I think it is not imperative to report to the revenue officer, but to the Inspector-general.

1828. Earl of *Wicklow.*] The practice is so?
Yes.

1829. Viscount *Canning.*] Are you furnished with any printed forms to be filled up as the means of making a communication?
Yes.

1830. Are those forms placed in the hands of every member of the force, or only of the officers?
In the hands of every officer, for the use of the officer himself.

1831. Then to recur to the case of one of your men coming home to the barrack, and reporting that in patrolling he had found an illicit still, who would be the person to fill in the printed form; would it be the man or yourself, or the superior officer?
The Sub-Inspector fills it in, receiving the information from the man.

1832. And the man himself is not cognizant of what is done with that form; he only knows he has given it to his own officer?

He

He answers to the printed form, and the officer writes his answer.

1833. And the man's business is done?
Yes, the man's business is done.

1834. Is it known, do you think, to the population that this is part of the duty of the constabulary?
I am satisfied it is not.

1835. And you would regret its being known?
I would not wish it should be known, because it would have the effect of the people being more cautious, and would prevent us from receiving the information we might otherwise receive.

1836. *Chairman.*] You have drawn a general distinction in your evidence between undertaking on the part of the constabulary, with such increased force as the increased service might require, the whole of these duties, and your being brought in contact and in association with the present Revenue Police, and so becoming eventually responsible for the execution of those duties?
I have.

1837. You approve of the one, and think it practicable; the other you object to?
Yes, I do.

1838. If your force were liable in any shape to be called out on revenue duties by revenue authority, or the Revenue Police were liable to be called out by constabulary authority, in the execution of your ordinary duties would that double and combined authority be injurious, in your opinion, to the discipline of your force?
I am satisfied it would; that is my opinion.

1839. Is it your opinion, that if the detachments of your force were liable to be taken up the mountains in aid of an Excise party, such practice would disorganize your system of patrolling, deprive you of the means of knowing whether you could get assistance from one station or another, and render your corps, consequently, less efficient for the performance of their duties, and the protection of the public peace?
No doubt of it.

1840. Are you not obliged, in cases where a particular part of a country is in a state of disorganization, to concentrate your constabulary force in the part where assistance is most required?
No doubt of it; and during that time of disturbance the several out-stations used to patrol at night, and meet at a given point, where that Terryalt system was carried on.

1841. In the case of the county of Clare, at the time of the Terryalts, I believe the district about Kilrush was comparatively tranquil, as compared with the district about Tulla?
Yes, it was.

1842. We have had it given in evidence, that it is in the district round Kilrush, and the wilder parts of the county, as well as the neighbourhood of Scariff, and the lakes there, that the illicit distillation has mainly prevailed in Clare?
It is so.

1843. It is not in the neighbourhood of Ennis and Tulla that illicit distillation has prevailed?
No.

1844. In the case of the disturbance you have spoken of were the constables not withdrawn to put down riot and confusion arising from the Terryalts, leaving the parts of the county exposed where illicit distillation was most likely to exist?
Yes, they were.

1845. Have you, since you have been in Mayo, been called upon either to receive assistance from the constabulary of any neighbouring county, or to lend assistance to the county of Sligo, or any other of the neighbouring counties?
We have lent assistance for the collection of poor-rates and other duties in Sligo, and the Sligo men were sent to assist us at the elections.

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1846. In those cases were there any considerable number of constables brought in from Sligo to Mayo, or sent from Mayo to Sligo?
Yes, a considerable number.

1847. Supposing that the duties of enforcing the revenue laws had been confided to your corps in Mayo, and also to the corps at Sligo, and, if for the purpose of preserving the peace, you had greatly to lessen the constabulary in the one county or the other, how could the distillation duties be performed in your absence?
During the time that public duty was in the act of being performed, it could not be done; but, as I before mentioned, my opinion is, that if the duty be imposed on the constabulary, they would in a short time put a final stop to illicit distillation.

1848. And they would put it down altogether, as you believe?
I have no doubt they would.

1849. Supposing it absolutely put down by the force of the constabulary, and that force of the constabulary afterwards lessened or removed, the interests of the farmer and the labourer being to distil, have you any expectation whatever that your effort, however successful for a time, and whilst you were on the spot, would continue to be successful when your force was diminished or removed?
I have no reason to think so.

1850. Have you ever had occasion, in the performance of your duty, to visit the gaol at Castlebar?
I have occasionally gone there.

1851. Have you known instances in which that gaol has been greatly overcrowded, so much so, as to render the classification and the administration of the prison laws nearly impossible?
I do not know it from personal observation; I have heard so.

1852. Have you known this of your own knowledge, that the number of prisoners in custody at any one time at Castlebar, a very large portion of them were prisoners charged with distillery and revenue offences?
I know that such has been the case.

The Witness is directed to withdraw.

Major-General Sir D. M'Gregor and Col. A. Maclachlan.

MAJOR-GENERAL SIR DUNCAN M'GREGOR and COLONEL ALEXANDER MACLACHLAN are called in, and examined as follows:

1853. *Chairman* (To Colonel *Maclachlan*)]. YOU are the Inspector-general of the Revenue Police in Ireland?
Chief Inspector.

1854. You succeeded Colonel Brereton?
Yes.

1855. You had previously served in the Artillery corps?
And I am still serving in it; I am still on the strength of the Artillery.

1856. The Revenue Police, since it reorganization, has been all under the control of men who not only have had artillery experience, but a Woolwich education?
It is true.

1857. In what year was the Revenue Police force handed over to you?
In the year 1846.

1858. Will you tell us in what condition you found the corps on your undertaking its command?
I found everything, according to my judgment, perfect, and kept in most beautiful order by my predecessor.

1859. Was it your duty at any time to visit any of the out-stations of the Revenue Police as well as the depôt, executing the staff business in Dublin?
I visit

Major-General Sir D. M'Gregor and Col. A. Maclachlan.

29th July 1853.

I visit every party in Ireland once every year. I have visited one-half of them this year, and shall see the remainder when I go back.

1860. The number of those parties is now 72?
Yes, 72, independently of the depôt.

1861. Describe the paper you hold in your hand; what is it?
A statement of the present force of the Revenue Police in each county in Ireland, showing the stations, and the number of officers and men at each, and the estimated expense.

1862. From that paper you will be able to inform us in how many counties in Ireland no Revenue Police force exists at all?
There are 16 counties, besides the depôt in Dublin, that have Revenue Police.

1863. Take that number of 17 from the number of counties in Ireland, and tell us in how many counties there are Revenue Police parties stationed?
There would be 15.

1864. Can you tell us the names of the counties in which no Revenue Police force has existed during your command of the force?

The following Paper was delivered in:

RETURN of the Names and Number of Counties in IRELAND in which there have been no REVENUE POLICE STATIONS since my Appointment in April 1846.

		Province.
1	Antrim	Ulster.
1	Armagh	Ulster.
1	Cork	Munster.
1	Down	Ulster.
1	Kerry	Munster.
1	Kildare	Leinster.
1	Kilkenny	Leinster.
1	King's	Leinster.
1	Limerick	Munster.
1	Louth	Leinster.
1	Meath	Leinster.
1	Roscommon	Connaught.
1	Waterford	Munster.
1	Westmeath	Leinster.
1	Wexford	Leinster.
1	Wicklow	Leinster.
TOTAL	16	

(signed) A. MACLACHLAN, Colonel,
London, 1 August 1853. Chief Inspector.

1865. Will you tell us in the Province of Munster in how many counties you have a Revenue Police Force, and what the names of those counties are?

The following Paper was delivered in:

RETURN of the Names and Number of Counties in the Province of MUNSTER in which PARTIES of REVENUE POLICE are stationed.

1 Clare.
1 Tipperary.

TOTAL - - - 2 Counties: 4 Revenue Police parties.

(signed) A. MACLACHLAN, Colonel,
London, 1 August 1853. Chief Inspector.

1866. Will you tell us in how many counties in the Province of Leinster there is a Revenue Police force, and what the names of those counties are?

Major-General Sir D. M'Gregor and Col. A. Maclachlan.

29th July 1853.

The following Paper was delivered in:

RETURN of the Names and Number of Counties in the Province of LEINSTER in which PARTIES of REVENUE POLICE are stationed.

1 Carlow.
1 Dublin Depôt.
1 Longford.
1 Queen's County.

TOTAL - - - 4 Counties: 5 Police parties, including Depôt.

(signed) A. MACLACHLAN, Colonel,
Chief Inspector.

London, 1 August 1853.

1867. Will you tell us what the number of stations is in Connaught, and where they are situate, and the same with respect to Ulster?

The following Papers were delivered in:

RETURN of the Names and Number of Counties in the Province of CONNAUGHT in which PARTIES of REVENUE POLICE are stationed.

1 Galway.
1 Leitrim.
1 Mayo.
1 Sligo.

TOTAL - - - 4 Counties: 29 Revenue Police parties.

(signed) A. MACLACHLAN, Colonel,
Chief Inspector.

London, 1 August 1853.

RETURN of the Names and Number of Counties in the Province of ULSTER in which PARTIES of REVENUE POLICE are stationed.

1 Cavan.
1 Donegal.
1 Fermanagh.
1 Londonderry.
1 Monaghan.
1 Tyrone.

TOTAL - - - 6 Counties: 34 Revenue Police parties.

(signed) A. MACLACHLAN, Colonel,
Chief Inspector.

London, 1 August 1853.

1868. What class of persons are the Lieutenants and officers of your corps?
Always the sons of gentlemen in the country; the situations are very much sought after.

1869. More especially of late years you have had a good choice, and, therefore, the means of getting the best officers?
They are all gentlemen, in fact, and I am very anxious to get them.

1870. Has the conduct of the gentlemen filling those situations been, on the whole, respectable and satisfactory to you?
Very much so.

1871. Viewing it in comparison with the conduct of the ordinary class of persons who join as subalterns of the line, do you think that there is any inferiority of the one class as compared with the other?
I think there is not that inducement to extravagance in the case of the officers of the Revenue Police, and, therefore, they very seldom get into scrapes. In the army, young people very often try to vie with their neighbours, and having no money, they fall into difficulties.

1872. Though there may not be the same degree of "*esprit de corps*" among your officers, who are scattered at out-stations, as there would be in a regiment concentrated at head-quarters, is the conduct of the Lieutenants in your own corps

corps pretty much on a par with that of the young subaltern officers in scattered cantonments?

I think it is.

1873. In respect to the character of the sub-officers and privates, are you satisfied with their general conduct?

I am, very much so; they are of a superior class to the army generally. If they get into any scrapes with us, they are dismissed, and they enter the army; we have the pick of the country of their class.

1874. Has there not been somewhat of an alteration in that respect since so many have emigrated, and since, amongst the labouring classes, there has been somewhat of an increased demand for labour; have you as much facility in getting the very best men now as you had a few years ago?

We have had no difficulty as yet; I have not been obliged to diminish the standard, which is a sure proof of it; but I am not sure that I shall not be obliged to do so.

1875. Are you aware whether the constabulary have been constrained to lower the standard?

Yes; and I suppose I shall be obliged; but as yet I have not done it.

1876. Viscount *Canning*.] Are your standards the same?

No; the constabulary was 5 feet 8, and ours 5 feet 7; we get all those that are not tall enough for them from the same class of people.

1877. *Chairman*.] From what class mainly are you desirous of getting your recruits as privates?

From the class of the sons of small farmers, who own a few acres of land.

1878. Do you make inquiry into the moral character of those persons, as well as their physical strength?

We do; two gentlemen, or two magistrates, certify to their good conduct for the two preceding years.

1879. And have not you the means of checking that certificate which is so rendered to you by local inquiries?

Of course we submit their application to the local officer, and he makes it his duty to investigate thoroughly whether that report is correct.

1880. Does the system of report, as well as of visits made by yourself and by the local officers charged with the superintendence of parties—does the system of recording all the duties performed, that record being read over in the presence of the men, furnish you with the means of checking any attempt at fraud or concealment, and furnish effectual means of detecting abuse generally?

It does, as far it is possible; but that does not apply to my visit, because that is only annual. The Revenue Police is divided into 18 divisions, of four parties to each division; there is a superior officer in charge of those four parties, and he makes it his business to go round periodically once every three weeks, and he then reads the journal to each party on parade; and if there is anything wrong in it, of course the men immediately object to it on the spot.

1881. Can you give us the relative rate of pay of your service as compared with the constabulary?

Generally speaking, though the pay of my force is a little less than the pay of the constabulary, who have an advantage in their superannuation fund, yet my force have the advantage derived from the system of direct rewards in those localities where illicit distillation prevails.

1882. Are not the officers of your force obliged to take out Excise commissions?

Yes; because they are liable to be called for by the magistrates.

1883. To what classes of your officers or men are confided Excise commissions?

There is one Inspector, who is in the office at Dublin with me; there are nine Second Inspectors, nine Sub-Inspectors, 54 Lieutenants at stations, and 18 Sub-officers; generally speaking, there is a commission Serjeant, one or two to each division, to enable them to perform the duty whenever any of the officers are unwell, which will occasionally happen.

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1884. You may yourself have participated in the surprise described by your predecessor, Colonel Brereton, when he found that it was necessary for a military officer also to hold an Excise commission?
Just so.

1885. The holding of the Excise commission enables your officer, I believe, in every respect to administer the functions of the Excise laws, employing his own men as assistants, applying, when he judges it expedient, to the magistrates, calling for military help if needed; in short possessing all the powers given by law to the Excise officers?
It is the case.

1886. Therefore, wherever evidence is required to be given on the part of the Excise department of any violation of the law, or where such violation is to be detected or punished, each of your officers holding an Excise commission is qualified to form a judgment on the case for his own guidance, to give the technical evidence to prove the case, and to administer the law in making detection and seizure, thus carrying the law as fully into effect as if he was a surveyor-general, a collector's supervisor, or other officer, and not a member of your revenue corps?
Yes.

1887. In respect to those powers, which fortunately are less resorted to since the reform of your police corps, namely, taking out a writ of assistance, and employing the military, if a case arose when additional help were required by the Revenue Police, could it be obtained except sought for by that corps in their capacity of Excise officers?
I am not aware how that is; a writ of assistance has never been called for as such during the seven years that I have been in Ireland.

1888. Have occasions for demanding military assistance been numerous since your appointment to the corps?
Never once to my knowledge.

1889. Therefore, in dealing with the question of the cost of the present Revenue Police, it would not be just to the department to omit taking into account the amount of military assistance which has been dispensed with, and which it appears was very expensive?
Since the year 1826 it has been dispensed with, I think.

1890. Have you looked over the Adjutant-general's orders, issued by the authority of Sir Edward Blakeney, in Ireland, regulating the aid that the military may be called upon to render to the revenue officers and police?
I have.

1891. By those regulations I believe that military officers in command are only justified in giving assistance for revenue purposes when it is demanded by an officer of that department?
I consider those orders nearly obsolete since the establishment of the Revenue Police on its present footing.

1892. You are aware that those orders were issued in the year 1845, and therefore, in point of date, they are operative if the nature of the case required?
Yes.

1893. To what do you allude in stating that they are obsolete?
If your Lordship will look at the end of the book, you will see Mr. Sawrin's name, and the year 1818.

1894. How do you mean that these have become obsolete?
We are never called upon to act upon them.

1895. You do not mean to say that the orders are inoperative, but that in practice they are rendered unnecessary by the existence of the Revenue Police?
Yes.

1896. Supposing the Revenue Police were abolished, those orders would still apply to the ordinary revenue officer?
Certainly.

1897. He might call out the military under those orders?
Yes.

1898. What is the strength of your detachments?
They generally consist of an officer, a serjeant, and from 12 to 14 men; but the numbers vary according to their vicinity to each other.

1899. Do you consider that the duties with which you are charged now, are of a character which requires a strong party to execute them, so as to render resistance improbable, because unavailing?
I do; I think you could not perform the duty properly without 10 or 12 men; it would be hazardous, in fact.

1900. Lord *Stanley* of Alderley.] That is occasionally, and under certain circumstances?
Generally they go out in that strength.

1901. Do you think that strength is necessary even upon ordinary occasions?
I do.

1902. *Chairman.*] Will you have the goodness to read the 3d Rule of the General Order issued from the Horse Guards, prescribing troops, and the strength in which the troops are to be taken out when required, in execution of revenue duties?
The Rule is as follows: "Upon no account whatever is any party to proceed upon revenue duty, unless under the command of a commissioned officer, and all such parties must be of sufficient strength to preclude the risk of their numbers proving inadequate to the performance of the duties in which they may be called upon to assist; the commanding officers at the stations where the parties are furnished, will regulate their extent, after communicating with the officer of the revenue, calling for the aid of the military."

1903. In your capacity of head of the Revenue Police, you have had no experience of the employment of the military at all?
I have not, because it ceased long before I went into the country.

1904. But, as a military man, and from the knowledge you had acquired of the state of things before you undertook your duty as Chief Inspector of Revenue Police in Ireland, are you aware that very great disinclination was shown at headquarters, and that great inconvenience and disorganization were found to result from the employment of the troops upon those revenue duties?
I understand it led to irregularity.

1905. I find that in a Report made from the Excise in Ireland in 1834, it is stated, that "a very considerable portion of the army in Ireland had been applied almost exclusively to this revenue service, and as the men were divided into small parties, and removed from the control of their officers, complaints were made, which it cannot be denied may have been well founded, that the employment of the army in still-hunting service was totally subversive of its discipline and order;" is that consistent with whatever information you have been able to acquire in Ireland?
I have been led to understand that was true; but, of course, I only speak from hearsay.

1906. You are aware that in the year 1817 there were Regulations issued from the Horse Guards, directing the manner in which military was to be furnished to the revenue; will you read the title of the book which I have now put into your hands?
Yes; it is "Extracts of Orders, General Letter, &c., applicable to the Establishment of Ireland, Adjutant-General's Office, Dublin."

1907. Does not that book contain, in page 129, the directions which were issued at that time from the Horse Guards?
It does.

1908. Have you any occasion now to issue writs of assistance, calling for further strength than that which your own corps gives youin the execution of those duties?
We have not since I have been in Ireland.

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1909. Therefore any expense or inconvenience arising out of those writs of assistance, and the system founded upon them, would be inapplicable to the present state of your corps?

I do not think we require them.

1910. You are aware that the law would give the commissioned officer of the Excise the power of claiming military assistance if a case demanded it?

So it appears from this.

1911. May the Committee, then, adopt the inference, that the possession of the power of claiming military support, and using writs of assistance, coupled with the disuse of such proceedings, prove that the Revenue Police in its present state is found by the Board of Excise to be adequate to the performance of its duties?

I think so.

1912. You were just now examined respecting the strength of your parties, and how far the present strength of your parties is required to be maintained; have you ever compared the strength of your parties with the strength of the parties of the constabulary serving in the same district?

I have not; I know generally the strength of the constabulary.

1913. The strength of the constabulary detachments has been stated to us as about seven or eight men in the country stations; assuming that to be the case, and assuming, also, the strength of your revenue parties to average from 11 to 13 men and two officers, do you think you could carry on the responsible duties with which you are charged if the number of men at each station was reduced to the same force with the constabulary?

I think not.

1914. Will you tell us the reason of this difference between your corps and the constabulary?

Sometimes our detachments come to places where they, the smugglers, are brewing or distilling, and they are surrounded by drunken persons who, of course, do not care much what they do, and if the police were few in number, they would be attacked, and they might get beaten, and be obliged to go away.

1915. Do you not think that in cases of that description, and even in cases which did not come quite up to that mark, there would be such a constant risk of collision, that even if the Excise Police were successful, it could hardly be considered to be a success when weighed against all the evil consequences of probable violence and conflict?

The number of our men in each party prevents anything of that kind, I think.

1916. Are you aware that in the year 1832, when illicit distillation was very rife, the strength of the Revenue Police was reduced at the several stations for the purpose of multiplying the number of stations, thus establishing a system more nearly approaching to that of the constabulary distribution than to the Excise system; that the consequence of the change was shown in frequent collisions, forcible resistance, and all the inconveniences that you have described?

I can readily believe that.

1917. In a Report made from the Commissioners of Excise, signed by Lord George Seymour, dated the 15th of March 1832, it is stated, that at the time "the service could not be securely and effectively performed in consequence of the reduced strength of the parties, constant attacks having been made upon them by large assemblages of the people; that in one instance the magistrates themselves cautioned the commanding officer of the Excise party from attempting to execute his duties," the recommendation then given being to increase the strength of each party, in order to avoid the necessity of employing a military force; does this extract, being from an original document of the Excise, made at that time, and laid before Parliament, correspond with what you think would now be the result if you were greatly to diminish the strength of men in your parties of Revenue Police?

It does.

1918. Do you, then, think it would be right so to reduce them?

I do not think it would be right.

1919. Independently

1919. Independently of the necessity of dealing in still-hunting with persons in a state of intoxication, and who are therefore likely to use violence, is not there this peculiarity in the duties of the Revenue Police, that in suppressing illicit distillation, you are suppressing a practice in which the pecuniary interests of a vast portion of the community in those districts where it prevails are concerned?

I believe that to be the case, undoubtedly.

1920. When your force seizes illicit spirit, illicit malt, stills, wormheads, or other implements of distillation, is not it their duty to bring them in to head-quarters?

It is, when practicable; sometimes they cannot do it; they cannot get a conveyance; but they bring in the spirits, because we are very strict about them.

1921. You do not allow them to destroy the spirit, and state, as a justification, that they have done so?

No; that is objectionable.

1922. Could you, if destruction of spirits were introduced, discriminate between the case where spirits were really destroyed, and where the spirits were consumed by the police themselves?

I should put it down as being drunk.

1923. In relation to seizure of the implements of distilling, as well as of the malt and spirits seized, are you not obliged to convey them for a considerable distance from the place of seizure to the head-quarters of the detachment?

Yes, many miles often, and that renders it sometimes necessary to destroy the malt; but, generally speaking, they bring the malt to store, because there is a reward allowed upon it of 2 *s.* a bushel.

1924. Is not that distance of transit frequently through wild and mountainous counties?

It is, of course; so in Donegal and Mayo, and those counties.

1925. In bringing into quarters the distillery apparatus, malt and spirits seized, if your detachments were much reduced in number, do you think you could answer for the safety of the articles seized?

I think not; I think that renders it necessary to keep up the present strength.

1926. Lord *Stanley* of Alderley.] Would not the assistance of a party of the constabulary, in addition to your own men, give a sufficient security for the transportation of such seizure?

You could not find them, and I do not think they would like to do it.

1927. But, supposing you could find them, and they did not like to do it, they would be just as available as your own men?

Yes, of course.

1928. *Chairman.*] Are not the districts of country into which your people have to proceed for the suppression of illicit distillation precisely the districts in which there are the fewest number of constabulary stations; and are not the districts where the greatest number of constabulary stations exist just these districts, where there is very little illicit distillation going on?

I am not well acquainted with the constabulary numbers, not sufficiently to give an answer to that question.

1929. Are not the districts to which you apply the exertions of your corps the mountainous and the remote?

Donegal and Mayo are the chief places.

1930. What is your force in the county of Donegal?

We have 18 parties.

1931. The constabulary force there is relatively to the extent of country and to the population exceedingly weak; do you think that, by getting the assistance of the constabulary force in aid of yours, your corps would admit of any sensible and considerable reduction?

I think not; but it would depend entirely upon what assistance was wanted.

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1932. Lord *Stanley* of Alderley.] If part of the duties now performed by the Revenue Police were for the future to be performed by the constabulary, would not you be able to do with a fewer number of men?

I think not; we could devote our service more exclusively to still-hunting, but we could not diminish the force.

1933. Are not a considerable number of your force occasionally taken off for the transportation of seizures and the conveyance of prisoners?

They are; but that does not operate against us much.

1934. *Chairman.*] If your distance from the county gaol were great, and you had to convey your own prisoners from the petty sessions where they are convicted, say at Killybegs, or some of the more remote places in the district, to the gaol of Lifford, must not the stations of the parties from whence that escort is taken during a time, to the extent of the force withdrawn, be disorganised?

No; if you have a party of 12 men, and only two convey prisoners, you have 10 left.

1935. Do you not leave some guard at the barracks whilst the guard is on duty?

One orderly man, one guard, as he is called.

1936. That is found sufficient?

Quite sufficient.

1937. Is not this distinction an obvious one, that you, escorting your own prisoners, have to escort them from the place from which they are sent the whole way to the county gaol?

Yes.

1938. Whereas, if they were escorted by the constabulary, each party of the constabulary would only have to escort them from one station to the other?

That is very true.

1939. Does not that make a very great difference with respect to the duty of escorting the prisoners of the one corps or the other?

It would ease the Revenue Police of that duty, of course.

1940. Do you not consider that that easing them of their duty would make them more efficient in the discharge of the duty that is confided to them?

I do not think so materially as that.

1941. Could you tell us the extreme distance from your stations in Mayo to Castlebar Gaol, or from Donegal the extreme distance to the gaol at Lifford?

Forty-seven Irish miles from Belmullet to Castlebar.

1942. Taking revenue prisoners that distance would occupy them two marches?

More than that; they generally take cars, and the expense is paid out of the rewards, and of course they take them as cheaply as possible, in order that they should not diminish the reward.

1943. But in that case we have 94 miles at the least to be undertaken by the police under your command?

It is a long distance.

1944. Suppose they have gone throughout that distance, does not it occasion them much fatigue, after which they must have rest?

They generally go upon cars there; therefore, there is no fatigue attending it.

1945. Lord *Stanley* of Alderley.] It would occupy four days of their time?

Yes.

1946. Sometimes it might occupy as much as a week?

Yes, when they march on foot.

1947. *Chairman.*] Therefore, in that respect you see nothing but benefit that could attend the employing of the constables in that duty?

Certainly.

1948. Has it occurred to you that the constabulary could give you any practical assistance and relief in the duties which you are called upon to perform?

None, except giving information to the nearest party.

1949. Lord

1949. Lord *Stanley* of Alderley.] Have they the means of obtaining information with greater facility than your own men?
I think they have, because they are spread all over the country.

1950. *Chairman.*] Do you think that there are any other circumstances that make the people freer in their conversation with the constabulary on this subject than they would be with the Revenue Police?
They consider that the constabulary are not charged with revenue duty, and they do not think of concealing it from them.

1951. Knowing that, therefore, they have more facility in obtaining revenue information, because they are not charged with revenue duties?
I believe that is the case.

1952. Do you think the fact that your people are charged with revenue duties considerably impedes their power of obtaining private information unless they purchase it?
Certainly; they do get a good deal of private information from regular paid informers.

1953. Lord *Stanley* of Alderley.] You consider that the principal advantage the constabulary have over the Revenue Police in obtaining information, is in the fact of their being distributed over the whole country in small detachments?
I do.

1954. *Chairman.*] You are aware that the constabulary, which is a force of 12,000 or 13,000 men, are distributed, according to the state of the country, all over Ireland?
Yes, they are.

1955. The proportionate number of constabulary stationed in the few counties of Connaught and Ulster, where illicit distillation prevails, is not great?
Just so.

1956. Therefore, the force of the constabulary would be found greater in the parts of Ireland where no illicit distillation prevails, than where it does?
I think, of course, that our force being employed in Ireland at different places, tends very much to the preservation of the peace of that part of the country where it is stationed, because, generally speaking, the people are not aware of our duties; they see our people with arms in their hands, and ready to be called upon.

1957. Lord *Stanley* of Alderley.] You consider the fact, that a large number of young men being in a county, makes it less necessary for the constabulary to have so large a force as otherwise might be required?
I think so.

1958. *Chairman.*] Are you aware, that in the county of Donegal, where you have your largest force, it has nevertheless been found necessary by the Irish Government to augment the constabulary considerably beyond its Parliamentary contingent, and that notwithstanding the very large establishment of Police, that there is also an extra force of constabulary, exceeding 100 men, at a cost to the county of 2,000*l.* a year, in addition to your 250 or 300 Revenue Police, and to the Parliamentary force of 176 constables?
I am aware that some little addition has been made, but not the extent of it.

1959. Lord *Stanley* of Alderley.] Has that arisen from any temporary emergency?
There has been some disturbance in Donegal, and a good deal of Ribbonism.

1960. *Chairman* (to Sir *Duncan M'Gregor*).] Do you remember what increased force was required in Donegal?
It has been gradually increased within the last two or three years; that increased force was 127.

1961. In addition to the 176?
Yes.

1962. Lord *Stanley* of Alderley.] Has that been in consequence of the increased disturbance in that county?
Yes,

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Yes, and to the extreme under policedness of that county. The original force there was established much below what it ought to have been.

1963. In fact the force there established was not adequate to the wants of the county?

No.

1964. *Chairman.*] Was the Parliamentary force established in reference to the population of the different districts?

No.

1965. How was that Parliamentary establishment fixed?

The original establishment of the police, I think, long before I was connected with the force, was established on most erroneous principles; it was apportioned according to the number of the baronies in each county, and in Ireland some of the smallest counties have the greatest number of baronies, and the largest counties the smallest number of baronies. When the expense of the constabulary was placed exclusively on the Consolidated Fund, every county received credit for its actual establishment; for, as in addition to the original number of 16 men for each barony, the magistrates in every county in Ireland applied, from time to time, and paid for a large increase of police, the Government, I conceive, considered that, under such circumstances, the actual number in a county was a fair criterion of its wants, and the permanent establishment was fixed accordingly. It was a difficult question to arrange with abstract justice; the consequence is, that the police are not in proportion either to the population, or the area of the various counties.

1966. Practically speaking, do you not consider that the extent of area, as well as the amount of population, ought to be taken into account in measuring the duties which a corps like our constabulary have to perform?

If all the counties in Ireland were equally tranquil, then I would combine area with population, and with some other terms in the question, such as the facility or difficulty of communication, by reason of the absence or presence of lakes and mountains, and such like considerations.

1967. Speaking generally, has not the Province of Munster been rather more strong in its demands upon the constabulary, in respect both of number and duty, than the Province of Ulster?

We have, I think, nearly double the amount of constables in the Province of Munster that we have in Ulster.

1968. (To Colonel *Maclachlan.*) Are not the demands upon your revenue force very much greater in the Province of Ulster than in the Province of Munster?

They are.

1969. Can you show any analogy between the actual amount of revenue duty required and the distribution of the constabulary, or are they not rather in contrast varying inversely with each other?

Yes.

1970. Lord *Stanley* of Alderley.] To a certain extent the effect of that is to equalize the number of armed force in defence of the peace that exists in the different parts of the country?

It has that effect.

1971. *Chairman.*] Is not your duty and the whole object of your institution not the protection of the public peace, but the collection of the revenue?

We have always considered so.

1972. Lord *Stanley* of Alderley.] You have stated incidentally, that the presence of your force has, in part, the effect of assisting the constabulary force?

It has that effect upon the minds of the people.

1973. *Chairman.*] Are your duties for the protection of the peace other than those which every party in the community is bound to perform, to interfere to prevent the open commission of evident crime; is it the duty of your people to interfere, or have they a right to interfere in the ordinary civil duties committed to the constabulary as the civil force?

I think not, except in a case of open rebellion.

1974. You consider your men to be composed of the same class of people as the constabulary?
The constabulary get the first choice, and we get the next; but we do not clash with each other.

1975. Lord *Stanley* of Alderley.] Have you a different mode of drill and organization?
They are exactly the same.

1976. *Chairman.*] In your depôt in Dublin, do not the recruits receive, in a greater degree, the instruction that would be given under ordinary circumstances to the Rifle Brigade?
We make them soldiers as far as we can.

1977. Lord *Stanley* of Alderley.] Do you consider there is much difference in the organization and drilling of the Revenue Police from that of the constabulary?
The organization is different, of course, but the drilling I believe to be nearly the same.

1978. *Chairman.*] It is an offence, as you are aware, against the revenue law, that a person should convey spirits without a legal permit?
Certainly it is.

1979. Supposing your revenue Lieutenant saw a person conveying spirits through the country, or saw a man whom he had reason to suppose had spirits about him, would he feel it within his competent duty to stop him and ask him for his permit?
He would; and if the information was not satisfactory, he would convey him before a magistrate.

1980. And if your parties visit mills, or any places where malt is in preparation, have they not the power, as revenue officers, to seize any malt they consider to be illegal?
They have so.

1981. And the right to make such seizure they derive from their commission as Excise officers, not as police?
Yes.

1982. So that all those duties they derive from their Excise commission?
Yes; generally speaking, when they find anything in a house, the proprietor of which is known, they apply to me through an officer to lodge a complaint; but they seldom seize anything except in transit, when it is impossible to get at the person to whom it belongs.

1983. In regard to seizing in transit, I suppose their knowledge would enable them to ascertain whether the paper produced was or was not a permit?
Yes. Generally speaking, when anything is seized in transit, the parties to whom it belongs, make their escape, or very often they do, and leave their haunts behind.

1984. Supposing the man did not escape, but asserted a legal right to convey those spirits to the market at Derry, and produced a permit for so doing, would your Lieutenant of Revenue Police, holding an Excise commission, have means of judging whether the instrument produced was a legal permit, or a fraudulent one?
Certainly he would exercise his best judgment.

1985. In like manner, in respect to the production of malt in unentered places, it being illegal to produce malt in places not entered with the Excise, your revenue Lieutenant, as an Excise officer, has the means of judging of those facts on which it depended whether an offence has been committed, and he has the authority as an Excise officer to seize that malt?
He has.

1986. And without such Excise authority he could not do it?
Without such Excise authority he could not do it.

1987. Under the Act of the 7th & 8th of Geo. 4, c. 52, s. 56, cannot an Excise officer enter into any premises belonging to a brewer, by day or by night;

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can he not enter into the house which the brewer occupies, as well as the brewery premises, and if he is obstructed in the execution of those duties, is there not a penalty of 200*l.* upon that; could your Lieutenant of Revenue Police, if he apprehended a fraud upon the revenue, exercise those functions?

He may enter, and if he finds anything illegal there, he is justified; but if he finds nothing, he is subject to prosecution.

1988. Lord *Stanley* of Alderley.] He would be liable to an action; in short, he acts upon his own peril?

Yes; it is a very nice point of law.

1989. *Chairman.*] In the Illicit Distillation Act, the 1st & 2d of William 4, c. 55, s. 6, a power is vested in the Excise officer to break open any mill in the presence of a constable or peace officer; he is also authorized (s. 17) to break open doors, &c. on suspicion, and to make search without warrant, and remove any malt taken; and the officer is also authorized (s. 20) to spill and destroy all spirits found, being in the possession of a person evading the law; you have stated that the finding of the illegal article is a justification for the entry and for the violence?

I believe so.

1990. Are you not aware that by the 7th & 8th Geo. 4, c. 53, s. 119, even if a verdict against the officer has been obtained, yet if the Judge certifies that the officer had probable cause for the action complained of, the Judge may direct that the damages, not exceeding 2*d.*, shall be given without costs, which amounts to the acquittal of the officer?

Yes; I believe the Judge has the power.

1991. It has been suggested by some witnesses here, that the whole duty now executed by the Revenue Police could be transferred to the constabulary, and that they would be efficiently performed: perhaps a question of that kind is one that would scarcely be a fit question to put to you individually, but I should wish to put this question to you: do you consider that your duties could be well and effectually performed if there were an amalgamation or consolidation of the two forces?

I do not; I think they ought to be kept distinct.

1992. Are not the duties which your police have to perform of a peculiar kind, and totally distinct from the ordinary duties which are cast upon the constabulary?

They are, and very difficult duties they are also.

1993. Will you state in what respect they appear to you to differ from the duties of the constabulary?

I do not think the constabulary could do our duty and their own likewise; you get information, and you think it necessary to go out at once; the constabulary, I believe, in many places have only a constable and three or four men at a station, and therefore they could not go out still-hunting.

1994. Assuming that they have seven men on the average?

I think that is over the calculation.

1995. But assuming that, do you think they could perform the duties required of them?

I do not.

1996. Lord *Stanley* of Alderley.] What are your reasons for forming that opinion: supposing the constabulary have the command of an equal number of men, in what respect do you think they would be less efficient than the Revenue Police for the performance of those duties that are now performed by the Revenue Police in still-hunting?

If the peace of the country were the least disturbed, the checking of illicit distillation would, of course, be a secondary matter.

1997. *Chairman*] Are you aware that, for the preservation of the public peace, it becomes frequently an act of necessity to withdraw the constables from one county which may be tranquil to transfer them to another in a state of disturbance?

Yes.

1998. You are aware that it is one of the primary duties of the constables to attend at assizes, quarter sessions, elections, petty sessions, fairs, and every assemblage of people at which any disturbance may originate?
Yes.

1999. Would not those duties, if they continued to be executed, render it exceedingly difficult for those constables to perform the duty of suppressing illicit distillation?
I think the constabulary could not do both duties.

2000. If they were charged in any respect with both duties, do you not consider that it would be very likely to happen that one party, the distillers, or the other party, the disturbers of the public peace, might alternately, by false intelligence and by diversions, mislead the party charged with the double duty from the real point of attack, leaving that point unprotected?
It would be liable to that.

2001. Are you not at times subject to that danger yourself even in the performance of your special duty, that is, that the distillers lay a train of false information sometimes, to distract your attention from their real purpose?
Sometimes they mislead us purposely, I believe.

2002. Are the duties that are confided to you of that character which, in your judgment, require a separate and exclusive corps to perform them?
It is so.

2003. That is the result of your experience?
Of seven years' experience, and a great deal of thought.

2004. Lord *Stanley* of Alderley.] Are you of opinion that you could derive any efficient assistance from the constabulary in aid of your usual duties?
No doubt of it.

2005. In what respects do you think the constabulary could assist your force without leading to the inconveniences which you have stated as probable, if the two forces were consolidated?
I think the constabulary might give information to the nearest party of Revenue Police: I think that if they were directed to stop all spirits in transit, and examine them, it would be a great object, and further, that if they were charged with the duty of inspecting mills and kilns in their own neighbourhood, that would not be against their own duty; but those are very nice questions, and I am, of course, unwilling to speak positively upon them.

2006. *Chairman.*] That would be a question which you would yourself think rested more with the authorities of the constabulary than yours as to the effect upon them?
I put it with great diffidence.

2007. Lord *Stanley* of Alderley.] Still if such assistance were rendered you by the constabulary, it would be a material assistance in working the force under your command?
Yes.

2008. *Chairman.*] Adverting to the question of escorting prisoners first, do you see any difficulty if the constabulary patrols, who take their own prisoners to gaol, should be bound to convey revenue prisoners likewise?
I should not see much objection to calling upon the constabulary to do that, if they were not subjected to increased expense; and their expenses are much larger than ours; and as those expenses came out of the rewards to that extent, it is an inconvenience.

2009. Excluding the question of expense, and only looking to the efficiency of the service, if you could by the assistance of the constabulary get rid of the extra duty which you have described as in taking prisoners from Ballina to Castlebar, a distance of 47 miles, would not that be a great relief to your force?
It would.

2010. Let us pass to a second point, the question of procuring information from the constabulary; are you aware of the terms of Lord Eliot's letter, which was

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issued in Colonel Brereton's time, and the direction contained in that letter to the constabulary to furnish information?
I am.

2011. By that letter, they are directed to give information to Sir Duncan M'Gregor, as the head of the office, who communicates it to you?
Yes, to me.

2012. Assuming that that letter requires the co-operation of the constabulary, as far as the question of information is concerned, is it rendered less useful and less operative for revenue purposes by the terms in which the instruction is given?
By giving information to the nearest party of Revenue Police, of course the delay which must necessarily occur between its transmission from Sir Duncan M'Gregor to me, and from me to the party in the country, delay would be avoided; there is loss of time certainly; but, nevertheless, we do not derive benefit from the information.

2013. Lord *Stanley* of Alderley.] You would have the information conveyed, then, at once to the nearest officer?
To the nearest Revenue Police officer, if there be no objection on the part of the constabulary.

2014. *Chairman.*] The object of that letter seems obviously to be to preserve the subordination and discipline of the constabulary force in relation to its own officers and chief, and, in like manner, to preserve the discipline of the Revenue Police force in relation to its own commanding officer; do you think that the risk of disturbance of discipline might be avoided conveniently with a more direct communication between the local constabulary and the local Revenue Police without passing through their respective commanding officers?
I have no objection; the two forces are very harmonious together, and I do not think there is any feeling of rivalry between them.

2015. You would not, I presume, carry your suggestion so far as to enable every sub-constable to make those communications to every private policeman, but you would prefer that it should be made through the officers of each department?
I would make it through the officer, head constable, or the constable, whoever was in charge of the station, to an officer or sergeant in charge only, not to every private indiscriminately.

2016. That is to your Lieutenant?
Or the sergeant in charge.

2017. Where a sergeant is in charge, he is employed as the substitute of, acting in the absence of, the Lieutenant?
Yes.

2018. And administering the same functions?
Yes, during the sickness of the other, or absence on leave.

2019. And you would feel it necessary, for the discipline of your corps, to avoid personal communications upon questions of information between the privates of the two corps?
Certainly, I should be very sorry to see it.

2020. Might not, then, the object of Lord Eliot's letter and your suggestion be reconciled, if, contemporaneously with the communication to Sir Duncan M'Gregor, a copy of that communication was sent to the officer commanding the nearest revenue station, so as to keep the head of the constabulary aware of all that was going on whilst the information was given more immediately?
I think it would be necessary that communications should be made to the Inspector-general.

2021. Do you feel that the efficiency of your corps requires that all actual orders should be conveyed to your men through their own officers only?
I do.

2022. If your officer at a station were subjected in any degree to the order or authority of the officer of the constabulary in the county, should you consider that it would produce any inconvenience to your force?
It would completely neutralize the efforts made to suppress illicit distillation.

2023. If they were subject to orders from two authorities, would not that impede their direct responsibility to you, and might they not play off the authority of the one body against the other, as an excuse for any neglect of duty?
I think it would be very objectionable to put it under two heads.

2024. Supposing the Lieutenant of your party sent to visit a mill, would not his power to seize malt in that mill depend upon the construction of the Excise laws; as, for instance, whether the malt was found in an unentered place?
Certainly.

2025. Whether it was found to have been manufactured according to the regulations of the Excise Laws, or other circumstances of that description?
Yes.

2026. In the present state of the constabulary, however efficient they may be for the administration of the ordinary laws, could they by possibility administer the laws for the visitation of those mills, without that knowledge of the Excise regulations which your officers possess?
It is merely to prevent frauds in those mills, and they might visit those mills close to their own stations; I would not ask them to go very far.

2027. But would they have the knowledge or experience for distinguishing what is legal from what is illegal in mills; where they did visit, could they seize without having that full knowledge of the Excise laws which your constables possess?
If they found anything wrong, they would communicate it to the Excise officer.

2028. How would they know whether it was wrong without a knowledge of the Excise laws?
They would know that the mill was registered or not.

2029. That is a question of fact?
Yes.

2030. Suppose a fraud committed in a registered mill, how would they discover that without Excise knowledge?
There is the difficulty.

2031. You have recommended the stopping of spirits in transit?
Yes.

2032. Would not one ground of stopping them be, whether they were accompanied by a permit or not?
Yes.

2033. Do you think the constables would be competent to decide whether the paper produced was a real permit?
Yes; they are always clever, intelligent fellows, and it does not require any great ability to know that.

2034. Have you never had any experience since you have been there of forged permits, authorizing the transmission, or appearing to authorize the transmission, of illegal spirit?
Occasionally that occurs.

2035. Your officers, being Excise officers, of course have experience and ability to deal with such questions?
Yes.

2036. Do you think the constables would or could do so?
I think they might do it.

2037. Do you think the advantage would be very considerable in checking illicit distillation?
Yes; I think it would relieve the Excise officers very much.

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2038. By those Excise officers, you mean the supervisors and gaugers?
Yes.

2039. Those cases you have been describing are cases of visiting the mills by the road side, because you have not recommended the visitation of the mills up the mountains?
That would not answer; it might be too distant from their posts.

2040. Do you not think the visitation of the public mills is very much more the duty of the supervisors and of the gaugers, than it is the duty of the constabulary, or the Revenue Police?
No doubt of that; but the Revenue Police have orders to do it, and their attention is called to that order every two or three years.

2041. And have the cases in which you have made discoveries, and enforced the Excise laws, been increased by their visitation to the mills?
They have checked illicit malting by those visits.

2042. Lord *Stanley* of Alderley.] Would not the fact that those places were always liable to the visits of the constabulary, make the people more cautious of violating the law?
I think it would, and that effect alone would be of great advantage.

2043. *Chairman.*] The expense of your establishment taken altogether, I think, amounts to 40,000*l.* or 50,000 *l.* a-year?
It varies a great deal every year; it is from 40,000*l.* to 45,000*l.* a year.

2044. Lord *Stanley* of Alderley.] What is the number of your force?
Including myself, 1,098 men.

2045. *Chairman.*] That expense has reference to a revenue which amounts to 1,245,000 *l.* out of a total Excise revenue of 1,637,000 *l.*?
I understand that to be the case.

2046. And the spirit revenue is more than one-fourth part of the whole revenue received in Ireland, which is to be compared with the expense of the Revenue Police?
I consider the expense of the Revenue Police very little, considering what it saves the Government.

2047. Have you not also the command of a steamer for revenue purposes?
We have generally upon the coast in the winter months, and then she is employed upon duty to Scotland and other places, as well as Ireland.

2048. In considering the expense of that steamer, was it not established in substitution for three or four Excise cruisers which were reduced, and which were a much greater expense?
I believe so.

2049. And do you derive any assistance from the coast-guard?
Very considerable.

2050. In what respect?
They work with us, and very often discover illicit distillation, and they are empowered to seize it, by an Act of their own, of the Customs; but they transmit their reports and everything through me.

2051. Lord *Stanley* of Alderley.] Do they act under your orders when they are employed on the coast of Donegal?
No; they are perfectly independent; but they report everything to me, I believe, as well as their own Board.

2052. In case of illicit distillation, and you not having sufficient force, would you be able to avail yourself of the coast-guard?
No, not much; they are not all inland, and not in sufficient number to give much assistance; but they do the same duty, and latterly do it very willingly.

2053. *Chairman.*] Is this done still keeping unbroken discipline and subordination, and without the transfer of any authority over the coast-guard to the Board of Excise?
It is in addition to their duties that they do that.

2054. But

2054. But upon authority derived from their own Board, and not derived from you?
From the Board of Customs.

2055. Reverting to the expense, you are acquainted with the preventive service men in Ireland?
I am.

2056. The expense of the preventive water-guard in the Customs last year was 102,360 *l.* in reference to a revenue of 2,000,000 *l.*, while your Excise police expense was 50,000 *l.* in reference to a revenue of 1,245,000 *l.*?
Yes; 50,000 *l.* is rather over the expense.

2057. But is it not fair to take into account, in addition to the Revenue Police expense, tha part of the expense described in the Finance Accounts as a further charge for the suppression of illicit distillation, that is, both bodies being employed for the one common object?
In the year 1851 the whole expense of the Revenue Police was 43,000 *l.*, I think, or a little over.

2058. Lord *Stanley* of Alderley.] Is there any suggestion that you can make for the improvement of the Revenue Police?
In 1845 the Lords of the Treasury gave authority to raise eight parties; two of those parties have been formed, but the remaining six are still in abeyance: I should be very glad to get authority to raise them.

2059. You think the force is somewhat inadequate for the duties they have to perform?
I do; and that would greatly assist us.

2060. *Chairman.*] Do you not think in proportion as it has been the will of the Legislature to increase the spirit duties, more vigilance is required on the part of the Revenue Police, and more strength to prevent the increase of illicit practices?
Yes; we are perfectly aware of that.

2061. And are you now in a state of watchfulness, and prepared to act with more vigilance?
There is no necessity at this season of the year; there is no grain; we are safe till the month of October; about the 10th of October they commence.

2062. Lord *Stanley* of Alderley.] At what time did you take the command of the Revenue Police?
In April 1846.

2063. You cannot speak from your own experience of what the effect of the increase of the duties upon spirits was in 1842, whether its tendency was to increase the amount of illicit distillation, and so increase the duties which your force had to perform?
I cannot from my own experience speak to that; but I understand that illicit distillation increased so much, that the increased duty was taken off in about a year.

2064. You cannot speak from your own experience as to what the augmented duties occasioned to your force in consequence of that alteration were?
No.

2065. *Chairman.*] You have been asked whether an increase of duty would not render greater vigilance and greater strength necessary for the suppression of illicit distillation, and you have answered affirmatively; will you tell me whether a low price of corn is not likewise one of the circumstances that promotes distillation, and renders increased vigilance necessary likewise?
I believe so.

2066. Therefore, in any case in which we may have a low price of corn, and increased duty upon spirits, those would be two moving powers, both of which would be likely to increase illicit distillation?
I find they purchase grain for the purpose of illicit distillation in Ballina; I understand so.

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2067. (To Sir *D. M'Gregor.*) You having been present at the examination of Colonel Maclachlan, and having heard the view that he takes of the functions of his own corps, more particularly as to the strength of each party which he considers to be essential for the effectual administration of the law, and having heard also the revenue and other duties which are connected with the still-hunting and the administration of the law; do you consider that those duties, so described, could be performed by the constabulary in their present condition, without a very considerable increase to their strength in those counties where illicit distillation prevails?

I certainly do not think the constabulary in those counties where illicit distillation prevails could with the present strength perform both the constabulary and revenue duties. With regard to the strength of parties which Colonel Maclachlan has alluded to, it is to be remembered that his parties of 10 or 12 men must necessarily be strong, inasmuch as they are separated from each other by probably 30 or 40 miles; whereas our small parties are much more numerous, and, in a case of necessity, they could very easily unite and form a party much stronger than any of those of the Revenue Police.

2068. But if, as we have been informed, it requires now in the illicit distillery counties that the force should be out two days and two nights in every week at the least, though your body might be concentrated for one general operation, do you think you could concentrate a sufficient force to send out detachments of 10 to 12, accompanied by a superior officer, and an officer like a Lieutenant or chief constable, two days and two nights in the week?

Certainly not; the case brought forward respecting Donegal proves this; as I understood from one of the questions put to me the other day, that in Donegal there are no less than 250 of the Revenue Police, now, as our ordinary establishment there only consists of 176 men, it would be absurd to suppose that with the diminished number of 176 men, we could perform both classes of duties, when the revenue duties alone demand the exclusive exertions of 250 men.

2069. Take the county of Mayo as an example; the witness who was last examined stated, that, upon the best calculation he could make, to transfer to the constabulary the revenue duties of Mayo, which are now performed by the Revenue Police, it would require an addition of 150 men to the constabulary force of Mayo; now it turns out, that the Revenue Police has exactly consisted of 150 likewise; if that be so, what possible advantage would there be in making an alteration?

I think I stated the other day, that if it were intended to impose the duty of the Revenue Police upon the constabulary, the latter unquestionably must be increased, and that it seemed to me to be necessary to augment the constabulary by the number now forming the Revenue Police, and that these officers of constabulary, who took a very sanguine wiew of the probable success of our force, thought that their increased number would be only required for a short time, as they believed that illicit distillation would be speedily and completely suppressed.

The Witnesses are directed to withdraw.

Ordered, that this Committee be adjourned to Monday next, at One o'clock.

Die Lunæ, 1° *Augusti* 1853.

LORDS PRESENT:

Earl of Wicklow.	Lord De Tabley.
Earl of Glengall.	Lord Stanley of Alderley.
Viscount Canning.	Lord Monteagle of Brandon.

THE LORD MONTEAGLE of Brandon in the Chair.

Evidence on Extending the Functions of the Constabulary in Ireland.

JOHN WOOD, Esquire, is called in, and examined as follows:

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2070. *Chairman.*] YOU are, at present, at the head of the Board of Inland Revenue?
I am.

2071. Before your appointment to that office, I believe that you filled the office of head of the distinct Boards which are now consolidated?
The Stamps and Taxes; I consolidated those two Boards, and subsequently I was sent to the Excise, about 15 years ago, and since that period all the three Boards have been consolidated under the title of Inland Revenue.

2072. How many years altogether have you been in the Revenue service?
A little more than 20 years.

2073. Previously to your appointment, I believe you were a member of the English bar, on the Northern Circuit?
I was so.

2074. Since your connexion with the Board of Excise, has it been your duty to direct your special attention to the collection of the duties upon spirits and upon malt in Ireland?
That is so.

2075. Is it not that part of the Inland Revenue which requires the most constant supervision and vigilance?
I think it is.

2076. Will you tell us the amount of the malt and spirit revenue in the course of last year in Ireland, as compared with the total Excise revenue, and with the total revenue of Ireland?
The revenue, from spirits in Ireland, in the last year was 1,245,000*l.*, from malt 226,000*l.*, making altogether 1,471,000*l.*

2077. What proportion does that bear to the total Excise revenue, and to the total revenue as paid in Ireland?
The gross receipt of Excise revenue for the last year ending the 5th of January, was 1,640,000*l.*, and the net revenue was 1,637,000*l.*

2078. Could you tell us what the whole revenue paid in Ireland for that year was?
Customs, 2,091,870*l.*; Excise, 1,641,942*l.*: Total, 3,733,812*l.*

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2079. The Committee, I believe, are justified in concluding, that the spirit duty in Ireland amounts to at least one-fourth, put in round numbers, of the total revenue that is collected in Ireland?
To more than that.

2080. Does that include the amount of duty paid on Irish spirits transmitted to England?
No; that is the actual duty received in Ireland; there may be a few casks that come duty paid to this country; but the usual practice is to ship in bond and pay the full duty here.

2081. Could you tell us the number of gallons that have been transmitted to England of Irish spirits?
Yes, I will furnish it.

The following Paper was handed in:

AN ACCOUNT of the Quantity of SPIRITS imported into ENGLAND from IRELAND in the following Years.

YEARS.	GALLONS.	YEARS.	GALLONS.
1843 - -	384,563	1848 - -	1,029,802
1844 - -	850,201	1849 - -	890,021
1845 - -	1,102,946	1850 - -	828,138
1846 - -	1,418,448	1851 - -	976,997
1847 - -	1,072,450	1852 - -	1,258,993

2082. Earl of *Wicklow.*] Do you mean with regard to this year, or the average?
I can give it for a series of years.

2083. Do you believe it to be on the increase?
It is on the increase.

2084. *Chairman.*] Then in dealing with the question of the Irish spirit duties, and with the danger of fraud that may exist, and that in certain past times have largely existed, we have a right to consider, not only the amount of spirits which are consumed in Ireland, but the total amount of spirits which are produced in the distilleries of Ireland?
Certainly.

2085. When in these Excise returns, which are on the table of the Committee and before Parliament, the number of gallons of spirits brought to charge is returned by you; does that comprehend the total amount of gallons of spirits that are manufactured, or only the amount of spirits which are taken out for home consumption?
That depends on the exact words in which the return is called for. The amount of spirits brought to charge comprehends all. The quantity retained for home consumption was in the year 1843, 5,546,483 gallons, and that quantity has gone on almost uniformly increasing, until in the last year, 1852, the quantity was 8,208,256 gallons.

2086. Referring to that return which is in your hand, could you tell us the amount of spirits brought to charge in the last 10 years, from 1842 to the beginning of the year 1853?
Yes, certainly.

The

The following Paper was delivered in:

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AN ACCOUNT of the Quantity of SPIRITS charged with Duty in IRELAND, in the following Years, for Home Consumption.

YEARS.	GALLONS.	YEARS.	GALLONS.
1843 - -	5,546,483	1848 - -	7,072,933
1844 - -	6,451,137	1849 - -	6,973,333
1845 - -	7,605,196	1850 - -	7,408,086
1846 - -	7,952,076	1851 - -	7,550,518
1847 - -	6,037,383	1852 - -	8,208,256

2087. Does that return show a satisfactory state of the spirit duty in itself, more especially taking into account the diminution of the population which has taken place within that time?

Very satisfactory indeed; and that diminution is not generally calculated, and, therefore, the public are not aware at first sight of the very large proportion which the increased consumption of spirit bears to the population.

2088. Viewing that return with the experience that your long official knowledge gives you, does it lead your mind, as far as one return can do taken in itself, to a conviction that no very great or progressive increase of smuggling or fraud has been going on within those 10 years?

I am quite convinced that the opportunity for both has very much diminished.

2089. Earl of *Wicklow.*] What opportunity do you refer to?

Smuggling is of two kinds; first, that of the licensed distillers, who will often contrive that a part of their stock shall escape charge; I think that our regulations with regard to the distilleries are so much better than they were, and the class of officer over them has so much improved, that the opportunity of getting rid of overstock, as it is technically called, is very much diminished; the other description of smuggling is by the unlicensed distiller, who pays no duty at all; and I think that, chiefly owing to the better discipline and the greater experience of the Revenue Police, the illicit smuggler has been very much interfered with in his operations.

2090. *Chairman.*] You have stated that that increase of duty paid spirit has gone on concurrently with the great reduction in the population?

Yes.

2091. Has not it also, during a considerable portion of those years, gone on concurrently with a diminished price of grain?

Yes, certainly.

2092. Is not the diminished price of grain one of the exciting causes which encourages illicit distillation, unless the repressive powers used are efficient?

Very much. We always anticipate a great increase of illicit distillation whenever there is a favourable harvest.

2093. Earl of *Wicklow.*] Do you not find that the same cause, the low price of grain, gives great encouragement to the legal distiller also?

No doubt it does.

2094. *Chairman.*] However great that encouragement may be to the licensed trader, is not the encouragement which a low price of grain gives to the illicit dealer more effective than the same cause, acting in the great towns and markets where the licensed distiller carries on his operations?

Yes, I think it is; I think the temptation is greater.

2095. During that time, from the year 1843 up to the present time, the duties have been invariably the same?

Yes, from the year 1843 up to the present time they have been the same.

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2096. You spoke of the improved discipline of the Revenue Police?
Yes.

2097. I believe the revision of that establishment, and its re-organization under Colonel Brereton, took place anteriorly to your appointment to the Excise?
I found Colonel Brereton already appointed; about two years before I joined the Excise.

2098. Have you the means of knowing, both from the communications of your officers in Ireland, from your own observation, and from the records of your department, that the appointment of Colonel Brereton, and the re-organization which then took place, have produced a very great improvement in the character of the Revenue Police, and in its efficiency in performance of duty?
Very much so; I may mention that I was appointed just about the period the Chairman was Chancellor of the Exchequer, and your Lordship directed my particular attention to it, and to Colonel Brereton's management of the force. I went over to Ireland; and I think in four successive years I accompanied Colonel Brereton on his annual inspection, taking different portions of Ireland each year; I believe that I visited almost every company of Revenue Police, and I visited them not only by land but by sea, and endeavoured to make myself entirely master of the working and machinery of the corps.

2099. Will you explain to the Committee what was the result of those observations which you made?
I was very much struck with the discipline of the force, the cleanliness of the men, their punctuality and their activity; I have been out with them on mountain service, and seen still-hunting; I have been also on board the steamer with them to visit some of the islands off the coast, and I never saw a more efficient or better ordered body of men.

2100. Are you enabled to state to the Committee whether the relations of the Revenue Police to the peasantry have assumed an entirely different character since the re-organization of the force under Colonel Brereton to what they were before?
An entirely different character.

2101. Will you explain in what that difference exists?
Previous to Colonel Brereton taking the command, they were a force entirely without discipline, and I believe that a great number of the outrages which were committed in Ireland were committed by this body of men, without discipline, with arms in the hands, and who were permitted to live as they pleased, with their wives and families scattered about in the villages, forming, therefore, in fact, a part of the population, and not shut up in barracks; at present they live entirely in barracks, and no married man is suffered to remain in the force; and they have altogether different relations as regards the peasantry. Then greater precautions are taken, which I hold to be most essential as to the character of the men we introduce; no man can be introduced unless, in the first place, he has the highest recommendation from resident magistrates or clergy or other persons in authority; he is examined as to his proficiency in reading and writing, in addition to his certificates of character, and he must also bring with him to the depôt where he is finally examined such a stock of clothing and necessaries (his uniform is afterwards given him) as shows he is not one of the most pauperized of the population; that he is, in fact, a person of a more elevated rank than the peasantry generally.

2102. Were they not the sons of small farmers?
Yes, very frequently.

2103. Will you have the goodness to explain what effect, in your judgment, the establishment of the depôt in Dublin, to train the recruits before they are sent on actual duty, has produced upon the men?
It has the very best effect. The actual discipline of the depôt is entrusted to a discharged sergeant, I think from Woolwich, who was selected by Colonel Brereton, a man in whom we have the greatest confidence, and who appears to me to be perfectly master of his business, and to enforce all the regulations with the utmost regularity. I never go to Ireland without visiting that depôt, and it is perfectly astonishing to see in six weeks the difference which is made in the appearance of the privates.

2104. Do you consider that the depôt under the immediate cognizance of a steady soldier, and within reach of the observation of the head of the establishment, enabled the Chief Inspector not only to judge of the military discipline, but in some respects to judge likewise of the steadiness and moral character of the individuals about to enter their force?

No doubt of it; and since Colonel Brereton's retirement, accommodation has been found for Colonel Maclachlan on the premises. He lives there. The depôt, with several acres of land, and very nice grounds, is about a mile from Dublin. The men are under his eye many times in the day; he goes to his office in Dublin during the day, but he lives in the depôt.

2105. Will you explain the subordination of rank which there is in the Revenue Police; and what modes are adopted to give to Colonel Maclachlan in the first instance, and ultimately in all important cases to the Board of Excise themselves, a cognizance of all the proceedings of the Revenue Police, and cognizance of every complaint that is made against them?

Colonel Maclachlan is the Chief Inspector, and there is under him a second Inspector. They are resident in Dublin, and have an establishment of clerks under them. Then the country Revenue Police is divided into between 70 and 80 parties, consisting generally of a lieutenant and 14 men. Every third or fourth party is also under the control of a Sub-inspector, but in case the Sub-inspector be at any particular station instead of the lieutenant, there is a sergeant under him in the actual command of the party; each Sub-inspector having the command probably of three or four parties. Perhaps your Lordship would see that at a glance: by looking at the map I have already put in, you will see the residences of the Sub-inspectors, and the parties they command.

2106. Are reports made to you of complaints or of imputed misconduct on the part of any of the Revenue Police?

Every round, that is every six weeks, we have a full detail transmitted to us by Colonel Maclachlan, of the occupation and conduct and discipline of the force. The still-bills, as they are called, which describe each day's work, having been declared to before magistrates, are sent to Colonel Maclachlan, and he sends them on to the Board, with any marginal remarks he thinks fit. Those are looked over by some member of the Board. Very often no question arises upon them, but if otherwise, an inquiry takes place. If any special cases requiring the interference of the Board arise, a special report is immediately made to the Board by Colonel Maclachlan. Therefore, the Board is kept constantly informed of what is the efficiency of the Revenue Police. It is, in fact, something like the log of a man of war, which is transmitted to the Admiralty from time to time.

2107. From what class of persons is the lieutenant taken?

It is one condition of his appointment that he shall be a gentleman, and never have been in any occupation at all derogatory to that character.

2108. Are you aware that the improvement of the character of the lieutenants was one of the principles sought to be introduced in the re-organization of the corps by Colonel Brereton?

Certainly; and the character of the officers has changed quite as much as the character of the men since that re-organization.

2109. Can you inform the Committee whether, in the administration of your functions, the subject of complaint made against either a lieutenant or any other officer of your police is administered with great strictness, or on a relaxed principle?

With great strictness, but I think with great justice; and, as far as is compatible with discipline, with great kindness and forbearance.

2110. Have you known many instances in which reclamations have been made to the Board of Excise on behalf of officers or men who have been dismissed from the service?

Yes, they are but too frequent; I attribute that very much to the fashion that prevails, and particularly in Ireland, that if any person gets into any scrape, he always finds that the good nature of the people is such, that they will sign any memorial in his favour.

2111. Speaking generally, where an explanation has been given by the department, of which you are the head, to those persons making those remonstrances, has

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has the general result been that they have been satisfied with the justice of your decisions?

I think so; with one or two exceptions, which I attribute rather to perhaps preconceived notions, and perhaps a little temper in the course of the discussion, but I think, generally, our decisions have been acquiesced in. My plan has been this, that if any gentleman does me the honour to call upon me personally to ask for any explanation, I always send for the original papers, and beg that he will look at them himself, and form his own opinion.

2112. Speaking generally, has that satisfied parties that the judgment was justly given?

I think so, and more particularly on this account, that I always say we have nothing whatever to conceal; we have not a paper in the office that may not be read at Charing-cross by any one curious to look at it.

2113. Can you tell us the expense of your corps?

In round numbers, including the steamer, it is about 45,000 *l.* a year.

2114. The steamer, I believe, has been added during your period of service?

It has. When I went to the Excise I found we had three sailing cruizers, which were of very little use to us on the coast of Ireland, because the smugglers could see if they were approaching; they also did duty on the coast of Scotland. We sold the three cruizers and purchased one steamer, an old steamer, that answered so well, that on its wearing out, the Government authorized the building of another. I believe that steamer enables us to do the work of at least four cruizers on the coasts of Ireland and Scotland.

2115. Earl of *Wicklow.*] Where is that steamer usually stationed?

The steamer is made responsible for suppressing illicit distillation on the coast, between the entrance of the Lough Foyle to Galway, and would go further, if necessary. It is stationed occasionally on Lough Foyle; at Derry occasionally, in Sheep-haven. The depôt for coal is in the harbour of Killibegs, which being land-locked is very secure; and then it works down the coast, including the islands, to Sligo and to Galway, and numerous islands at the entrance of the Bay of Galway, South Arran islands more particularly.

2116. How does the expense of the steamer now stand as compared with the antecedent expense of the cutters?

I think the expense is about one-third of what the cutters cost.

2117. How does the efficiency stand?

The efficiency is 10 times greater; when I landed on Tory Island with Colonel Brereton, the most remote island off the north-west coast, in summer time, for the purpose of seeing what the people would think of the Revenue Police, a man notorious as a smuggler said, "Well, gentlemen, there is an end of our trade; your cutters used to beat about three or four days, and we always knew when they were coming, but now you have stolen a march upon us; you will find nothing; it is not the season for distillation, and our stills are hid in the bogs, and it is impossible for you to find them; I have told my two sons, who are smugglers like myself, that we had better make up our minds and emigrate;" they did so, and the whole family went to America.

2118. Will you state to the Committee what class of officers and men employed in the Revenue Police are provided with an Excise commission?

We always take care that at least one person connected with each party holds an Excise commission; because all their authority is derivative; they have none as Revenue policemen, and therefore we give them authority by a commission.

2119. And under the Excise laws, if one of your officers being out with the police party holds a Revenue commission, do those who accompany him become, under the terms of the Act of Parliament, his assistants in executing his duty, and acquire the rights and privileges which the Act of Parliament gives them in that capacity?

Precisely so.

2120. Should you consider it safe to execute your functions in the mountains in still-hunting, without the officer's presence who had that Excise commission?

Certainly not; the Revenue Police under such circumstances would have no authority whatever.

2121. Will

2121. Will you describe the difference of authority that would be possessed, supposing unfortunately, contrary to your orders, a detachment went out without an Excise authority, and that which they would possess if they went out under the protection and authority given them by the Excise warrant?

Perhaps I had better answer that question by stating in what respect the law in Ireland (1 & 2 Will. 4, c. 55) differs from that in force in England for the suppression of illicit distillation and malting; by the 1st section of that Act, called the Illicit Distillation Act, mills and kilns for grinding and drying grain are to be entered with the officer of Excise; by the second section, where the owner of an unentered kiln cannot be found, the officer of Excise may destroy the kiln after notice posted thereon; by section 6, officers of Excise may enter and search mills; by sections 11, 14 and 15, still-makers are to admit the officers of Excise to their premises, and must stamp their names and contents of still on all stills made by them, and not remove any still without a permit; by section 18, officers may search for stills, wash, &c., without a magistrate's warrant; and by section 21, magistrates, landlords or their agents or bailiffs may seize stills.

2122. Earl of *Wicklow.*] All that is in case they have a warrant from your office?

In case they have an Excise commission.

2123. *Chairman.*] Could those duties or any of them be performed unless they were actually under such authority?

Certainly not; and in the earliest period of the Revenue Police, instead of giving the Excise commission to any one of the party, the party was always accompanied by an actual Excise officer, a gauger; that was found inconvenient, and very harassing to our men, and of no use, and therefore when Colonel Brereton took the command, he himself had a commission given to him, and a commission was given to one at least of each party.

2124. And in the same way a commission is given now to Colonel Maclachlan?

The commission is given now to Colonel Maclachlan.

2125. Viscount *Canning.*] Would the possession of a warrant by an officer of the Revenue Police, who was not accompanied by any man of his own force, and only by men of the constabulary or any of your constables, empower him to act under his orders and execute those duties?

Certainly; the officer bearing the Excise commission may summon to his assistance any persons he pleases, whether armed or not, and he protects them by virtue of his commission; but all their authority is derivative.

2126. Earl of *Wicklow.*] Is that commission given to one individual, or is it a document which could be transferred from one person to another?

It is given to an individual by name, and could not be transferred.

2127. *Chairman.*] Will you state what the ancient practice was with respect to Writs of Assistance, and contrast that with the practice now in force?

The period has so long gone by at which Writs of Assistance were used that I have had some difficulty in finding one; but I have one, and it is dated 1808. The Writ of Assistance was given under the 46th of Geo. 3, c. 106, s. 57, and it was granted on very high authority certainly, inasmuch as it required the signature of the Chief Secretary for Ireland and the Chief Baron of the Exchequer, as well as various registering officers. The Writ of Assistance I hold in my hand is signed by William Wellesley Pole, who was then Chief Secretary for Ireland, and by O'Grady the Chief Baron, and it is directed to Mr. John Kirby, Surveyor of Excise, and he had the power of transferring it to whomsoever he pleased. This Writ of Assistance is indorsed, "Delivered this Writ to Mr. Robert Ley Hearth, Collector, for his use, per order of Richard Townsend, Esquire, Collector of Excise, Clonakilty, 9th August 1810.—JOHN KIRBY." I understand that that indorsement transferred to Mr. Ley Hearth, the Collector of Excise, every power which Mr. John Kirby had under it; and I am further informed that the person holding the Writ of Assistance could apply at any military barrack and demand any number of men and officers he thought fit, to assist him in the execution of his Excise duties. It is considered by us that this Writ of Assistance was substantially repealed by the 7th & 8th of Geo. 4, c. 53, s. 127; since that period Writs of Assistance have entirely fallen out of use.

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2128. Would you have the goodness, when revising your evidence, to refer to the records of your office in order to see distinctly, as far as you can trace it, whether that principle of the Writ of Assistance is in fact distinctly repealed, or whether it has gone into disuse by the substitution of another and a better system?

I have already inquired into that as much as I can do, and the opinion of our law adviser is, that although it is not distinctly repealed, it is repealed so much by implication that it would be in vain to apply for one.

2129. Under the present system do you find it in any the slightest degree necessary?

Never.

2130. With respect to military assistance, since your administration of the Revenue Police, have you found it necessary to have recourse to that military assistance which in a case of exigency, and subject to the rules of the War Office, you still have the power of requiring?

Such an idea has never occurred to me.

2131. Therefore in dealing with the question of the expense of the Revenue Police, the Committee would be warranted in setting off, as against that expense, the very large expense which by the use of military in services of this kind has antecedently been incurred by the Revenue?

Certainly.

2132. From the records of your office, are you enabled to state whether any, and if so, whether pretty constant complaints have not been made by the military authorities with respect to the effect of employing military in the enforcement of the Excise laws?

Yes; and the records are open to all the world, because the complaints are in great numbers, printed in one of the Reports of the Excise Inquiry on British Spirits, Part 2; and I might detain the Committee nearly a couple of days in reading the complaints in the passages I have marked as to the inconvenience of employing the military; it led not only to great expense, but what is much worse, the commanding officer states, to the complete demoralization of the men.

2133. Earl of *Wicklow.*] Have you ever had occasion to dismiss any of this police force in consequence of temptation or bribery, or any course of impropriety in connexion with the private distiller?

I do not think that we have; I do not recollect any such instance. The dismissals are generally for some act of misconduct relating to discipline; but not at all in connexion with their intercourse with traders.

2134. Then you have never had occasion to complain among your force of any of that species of disorganization which was supposed to have prevailed amongst the military?

Never, as far as I recollect.

2135. *Chairman.*] Have there not been cases, especially in respect to malt, in which persons, a considerable number of persons occasionally, have been dismissed upon the ground of their turning to their own account the malt which they had seized; as, for instance, where malt was seized, and where it ought to have been forfeited or destroyed, some of your people have made use of it for feeding their pigs, or allowing it to be so used, and their dismissal has followed?

I remember one instance of that kind, where there was a seizure of malt which it was supposed had been destroyed according to the usual regulations; but it turned out, that a part of it was secreted, and that it was used for fattening pigs. It was only a small quantity, but very prompt measures were taken to punish the offender.

2136. Earl of *Wicklow.*] Was that in the police barrack?

Yes.

2137. Were those policemen who were prosecuted in that transaction resident in the barracks?

I think it was a case in which the malt was supposed to be destroyed; but a part of it was smuggled away before it was actually destroyed, and given to a pig-feeder, and not applied to their own private use.

2138. Was it used for pigs of their own, or disposed of to some other party?
Yes; I believe they are not allowed to have pigs or cattle of any kind.

2139. Then, in fact, you have never had any but that one solitary instance?
I only recollect that one, and that was promptly visited.

2140. Were there many of the force implicated in that transaction?
My recollection is, that the sergeant was held responsible for the transaction, that he was called on his responsibility, and one or two of the privates; it is three or four years ago, and it was only casually before me.

2141. *Chairman.*] In that case, the sub-officer was degraded for that act, although he had a long period of service of a most irreproachable kind?
Yes, I believe so.

2142. Are the Committee to understand that those points of law and duty, to which you have called their attention from the Act of Parliament, are acts which can only be performed under the Excise commission?
There would be no power without that Excise commission.

2143. Will you tell us whether you consider that those powers you have referred to, are essential for the administration of your functions in repressing illicit distillation?
Quite essential.

2144. Will you be so good as to turn to the 7th & 8th Geo. 4, c. 53, and state what that Act is?
It is what we call the General Management Act for both Great Britain and Ireland.

2145. That Act was passed, I believe, in the time of the late Mr. Carr?
In 1827, the elder Mr. Carr, who was Solicitor of the Excise.

2146. Was that Act prepared, do you remember, after the deliberations and the inquiries which took place under Lord Wallace's Commission?
Yes.

2147. Of which Mr. Herries was a member?
I believe so.

2148. It was then well considered, and is still in force?
It is, in fact, our code of law.

2149. You have stated the powers which are given under the Illicit Distillation Act to the member of the Revenue Police holding the Excise commission, and you have stated that the Revenue commission in his hands gives similar authority to the men acting with him?
Yes.

2150. Will you explain from the Act in your hand what are the peculiar protections which are given to the officers acting under the Excise commission; will you turn to the 114th clause, and tell us what are the provisions of that clause?
Perhaps I had better begin with the 35th, the marginal note of which is, "Justices, constables, &c., required to assist revenue officers." The 36th is, "Constable or other peace officer, on notice or request, not going with the officer of Excise when his presence is required by law, to forfeit 20*l.*" Sec. 39 is, that "Persons obstructing officers, &c., in making seizures or rescuing the same, or destroying the packages, to forfeit 200 *l.*" The 40th is, "Officers, &c., violently resisted in making any seizure may oppose force to force, and, upon being prosecuted therefore, shall be admitted to bail, and may plead the general issue."

2151. Turn to the 114th clause, and explain what protection the law gives to the Excise officers, or any one holding the Excise commission in the execution of his duty?
The marginal note is, "No action against officer of Excise without a month's notice, expressing the names and places of abode of the plaintiff and his attorney."

2152. Turn to the 115th clause, and state the effect of that clause?
"That if any action or suit shall be brought, raised or commenced against

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any officer of Excise, or any person employed in the revenue of Excise, or any person acting in the aid and assistance of such officer or person so employed, as aforesaid, for any thing done in pursuance of this Act, or any other Act or Acts of Parliament relating to the revenue of Excise, such action or suit shall be commenced within the space of three calendar months next after the cause of action shall have arisen, and shall be laid and prosecuted in the proper county or place wherein the same arose; and the defendant or defendants in any such action or suit may plead the general issue, and give this Act and the special matter in evidence thereunder at any trial to be had thereupon, and if afterwards a verdict shall pass the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited, or shall discontinue such action or suit, or, if judgment shall be given against such plaintiff or plaintiffs upon demurrer or otherwise, then and in every such case such defendant or defendants shall have treble costs awarded to him or them against such plaintiff or plaintiffs." The 115th clause has been modified in some degree, as to the amount of costs, by 5 & 6 Vict. c. 97, s. 2, but the principle is the same.

2153. Now refer to the 116th clause, and inform the Committee what is its purport?

"Tender of amends may be made within one month after notice given, and pleaded in bar if not accepted." "In case of nonsuit, &c. costs may be awarded." "If verdict for plaintiff, damages and costs may be given."

2154. Now pass to the 118th clause?

"No evidence to be given of a cause of action not expressed in the notice. Provided always, and be it enacted, that no such plaintiff or plaintiffs shall, on the trial of any such action or suit, be permitted to produce any evidence of any cause of action, except such as shall be contained and set forth in such notice as aforesaid, nor shall recover any verdict against any such officer or person as aforesaid, unless it shall be proved on the trial of such action or suit that such notice was given; and the defendant or defendants in such action or suit shall in default of such proof recover a verdict, with such costs as aforesaid."

2155. Will you read at length the 119th clause?

The 119th clause is this: "And be it further enacted, that in case any information shall be commenced and brought to trial or hearing for the condemnation of any goods, commodities or chattels seized as forfeited, under or by virtue of this Act, or any other Act or Acts of Parliament, relating to the revenue of Excise, wherein a verdict or decision shall be given or made for the claimant or claimants thereof, and it shall appear to the judge or court before whom the same shall be tried or heard, that there was a probable cause of seizure; such judge or court shall certify upon the record or other written proceedings on such information, that there was a probable cause for making such seizure, and in such case the officer of Excise, or person who made or assisted in making such seizure, shall not be liable to any action, indictment or other suit or prosecution on account of such seizure, or of the detention of any such goods, commodities or chattels; and in case any action, indictment or other suit or prosecution shall be brought to trial or hearing against any officer of Excise or person on account of the seizing of any such goods, commodities or chattels, or of the detention thereof (whether any information shall have been or shall be brought to trial or hearing for the condemnation of the same or not), and a verdict or sentence shall be given thereupon against the defendant or defendants therein, if the court or judge before whom such action, indictment or other suit or prosecution shall be tried or heard shall certify in like manner as aforesaid that there was probable cause for such seizure, then and in such case the plaintiff or plaintiffs therein, besides the goods, commodities and chattels respectively so seized, or the value thereof, shall not be entitled to more than two-pence damages, nor to any costs of suit, and the defendant or defendants therein shall not be imprisoned, nor be fined more than one shilling thereon."

2156. You have already stated that you are a member of the English bar; is not the effect of that clause the following: that in the event of an officer seizing, and of proceedings taken in court, even if the evidence showed that the officer had seized without legal authority, and that the goods seized belonged to the party in whose possession they were found, and were not properly seizable; still if

if the judge certified "probable cause," the verdict would only be entered for 2 *d.* damages without costs?

Yes; 2 *d.* damages, and the fine could not be more than 1 *s.* That would in fact put a stop to any idea of an action against them.

2157. In ordinary cases, if there were proceedings taken at law against one of your officers, and if you considered that he had acted *bonâ fide* in the transaction, would not the revenue itself undertake the defence of that officer?

No doubt of it, and he would be defended by the officers of the Crown. But the Board always exercise a discretion, by very searching previous inquiry as to the probable grounds. We had a case the other day, near London, in which I thought our officers had acted very rashly. They obtained a warrant, and entered a house in search of something illicit; they found nothing, and I thought there was no probable cause; and I therefore left them to make their own terms with the party aggrieved. They were threatened with an action, and they were served with notice. I investigated the case very carefully myself, and I sent for the men, and reproved them for their incaution, and told them they would have to make their own terms. At the same time, I sent for the party aggrieved or his representative, and endeavoured to calm him down a little, and succeeded in making terms for them; they paid all the expenses of the repairs of the house, and the shutter they had broken, and also 10 *l.*

2158. Viscount *Canning.*] Have similar cases of excessive exercise of power occurred frequently on the part of the Revenue Police in Ireland?

I do not recollect one single case, and I only recollect two instances in England, both of them very near London; I dare say the Committee recollect one, the case of Mr. Toulmin Smith.

2159. Lord *Stanley* of Alderley.] Still in the event of any of your officers entering a house and not finding any illicit spirit, or not being what you deem a sufficient ground of suspicion to have justified them in entering, they would be liable to the same action and damages and the same penalties as any person not employed in the collection and protection of the revenue?

They would have no protection then from their Excise commission, because the judge, on the action being tried, would not certify that there was probable cause.

2160. *Chairman.*] Will you turn to the 119th clause of the 7th & 8th of Geo. 4, c. 53, which you have just read, and state whether under that clause, supposing a party entering a house in quest of illicit spirits finding none, an action brought against him, but the judge specifying that there had been probable cause for entering, would he not be entitled under that section to the nominal damages?

No doubt of it, if it were a case of seizure.

2161. Lord *Stanley* of Alderley.] Under what circumstances would the officer be justified in seizing spirits upon premises, where there was no evidence to show they were illicit spirits, and where the party holding them had a regular permit in his possession?

He would not be entitled to seize, and would not seize, but an action would lie against him for forcible entry, for breaking into the premises and inconveniencing the family; that was the case the other day near London.

2162. *Chairman.*] Supposing one of the Excise officers having received information that in the house of a country gentleman in Ireland there was a cellar which contained illicit spirit; that under the power vested in him he enters that house, breaks open the cellar, and searches and finds spirits there, which he considers to be illicit; makes a seizure of those spirits; that under the 119th clause that question is brought before a tribunal; it is shown that those spirits are not illicit spirits, but are licensed spirits, and properly in the possession of the individual; but if it is shown also that the exciseman had probable cause for entering and for seizure, and that the judge certify to that extent, would not the exciseman be protected under that clause?

No doubt of it.

2163. Earl of *Wicklow.*] Supposing in that case that they actually found illicit spirit, but that that illicit spirit was of such an age that it was purchased at

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a period when it was legal to sell the illicit spirit when seized, which period I suppose you may recollect; what would be the result of that case?

It is entirely beyond my experience that illicit spirits were ever permitted to be sold.

2164. You probably then were not in the office you now fill at the time when the law empowered the Board to sell illicit spirits when seized?

No, I was not; but I know what a great inconvenience there would be from selling illicit spirits, because any spirits found in the country would be said immediately to derive their origin from the Excise sale.

2165. But do you not suppose that the authorities would have sufficient discrimination to be able to judge from its antiquity of its legality?

I think not.

2166. *Chairman.*] Have you not heard from your officers that the spirits which are prepared in Ireland in those distilleries which distil from malt only, as for instance at Bushmills, have a very strong resemblance indeed to illicit spirits?

Yes, I believe that the Bushmill spirit is more like what is called poteen than any in Ireland.

2167. Supposing some of those spirits found in a man's premises, against whom information had been received, and a seizure to have taken place, acting upon the discretion of the officers, and that it was subsequently proved upon trial that those were not illicit spirits, but licensed spirit from the licensed distillery at Bushmills, but that nevertheless your officer had probable cause to suspect; would not he in that case claim the protection given under that statute, and obtain it?

No doubt; and the judge would, in his discretion, grant it.

2168. Have your officers, under their authority as officers of Excise, the power of entering a mill and searching it?

Yes.

2169. Independently of any civil magistrate's warrant?

They have the power of entering into all premises that are what we call entered without any warrant at all; and they have the power of entry with a magistrate's warrant, and that entirely justifies them; and if they enter without a warrant, and find anything which justifies their entry, that is in law a justification of their act.

2170. And then in such cases if proceedings were taken, and they showed probable cause, would they not come under the protection of the 119th clause?

They would.

2171. Lord *Stanley* of Alderley.] But this complete immunity which your officers receive when they make a search in a house upon sufficient grounds, is an immunity that they receive, not in virtue of any power they possess, but in virtue of representations made by your Board to the Judge; upon which he certifies, which enables them not to suffer from the penalties of the action?

No doubt.

2172. Could not the same course equally be taken with regard to the constabulary, if they were employed for similar purposes, as they are now taken with regard to the officers employed directly under your authority?

Any man holding an Excise commission, or any number of men acting with him as his assistants, have all the powers and protection given by this Act to all excisemen.

2173. *Chairman.*] You are a lawyer; and as such I ask whether you are aware of any similar clauses, giving similar protection to the ordinary constables or peace officers?

No, certainly not.

2174. Do you consider that these clauses of protection, as well as those clauses granting authority, are necessary for the efficient collection of the Excise duties and resistance to fraud?

I think it would be impossible to collect the Excise duties without those very stringent regulations, and the very stringency of them prevents the necessity of frequently putting them in force.

2175. But

2175. But without those clauses which are peculiar to the revenue laws, you do not think the revenue could be protected?
I do not.

2176. You are acquainted with the Customs laws in those respects?
Generally.

2177. And are the protections and powers given in the smuggling acts of the Customs very analogous to those you have described?
Very much so.

2178. Then referring to all the revenue laws of which you have been the administrator—the Stamps, Taxes and the Excise—and having also a general knowledge of what the laws of the Customs are; I ask you whether you consider that it would be practicable to enforce those revenue laws effectively, if those facilities and protections to officers in discharge of their duty *boná fide* were withdrawn; if smuggling offences were merely made cognizable as offences against the ordinary law, and enforced as ordinary criminal offences are enforced?
Quite impossible.

2179. Upon that you have no doubt?
No doubt.

2180. Are not the ordinary supervisors and gaugers taken indiscriminately from English and Irish, and considered to be interchangeable between the two countries?
They are interchangeable, and are interchanged to a very considerable extent; in fact, it is an element for promotion that a man shall have served in the three countries.

2181. Lord *Stanley* of Alderley.] You are speaking of the common Excise officer?
Yes.

2182. Can you inform the Committee what force you employ, and what means you take to prevent illicit distillation in the highlands of Scotland; in addition to the ordinary force there, have you anything equivalent to the Revenue Police in Ireland?
Nothing actually equivalent; we have a force of preventive officers and preventive men, and I believe their origin was this: at one time we had six cutters employed in the Excise service, and those cutters had on board more men than were sufficient for their mere navigation, and they were in the habit of putting into places on the coast of Scotland and landing a number of men, say 10 or 20, who scoured the country, making the cutters their head quarters; and as I have before stated, we have now no sailing cutters, but merely one steamer. Owing to the great assistance we received from the landed gentry in Scotland, particularly I may say from Mr. Loch, the agent of the Countess Duchess of Sutherland, and other great landed proprietors, illicit distillation very much decreased there, and was almost annihilated; but we have still always retained a few of those preventive men, but they live entirely on shore, and do all their work on shore, except that, occasionally, the steamer has been employed to take them along the coast to different stations, to the island of Jura and the island of Arran last year. Some symptoms of the revival of illicit distillation, and a little alarm on account of the impost of the additional shilling duty, have induced the Board to increase our preventive service. We have a force of about 60 men in that service, and those men are accompanied by a person who has an Excise commission, and they travel the country in twos and threes and fours; and if there were any reason to expect an outbreak of illicit distillation, I should order a force of 15 or 20 men, or even more, to assemble at one place; and if near the coast, the steamer would attend them.

2183. Have you found that force amply sufficient to put down and prevent illicit distillation in those extensive districts of the highlands of Scotland?
I have so, because I have been aided so cordially by the gentlemen of the country; no sooner was the additional shilling imposed, than I had communications volunteered by some of the principal noblemen and gentlemen, to tell me they were very glad that one shilling had been imposed, and that I might depend upon their co-operation.

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2184. In cases where there is any apprehension of the revival of illicit distillation, and where a larger force than ordinary would be required, you have had no difficulty in getting additional hands to increase your strength, and meet any resistance you might expect would be offered to you?
In Arran and Jura I collected our old force; but in the last few months I have thought it necessary, as the force was dying out, quickly to recruit it.

2185. What is the number of the force, and what amount of discipline do you require to make them fit for the service you wish them to perform?
The number of the force is very trifling, and there is no discipline, except to obey the orders of the particular persons under whom they are placed.

2186. Do you find that force as efficient for the purposes you employ them for, as the Revenue Police in Ireland are for the purposes they are employed for?
I have no doubt I shall; but the two countries are in such different positions, both as to the temper and the habits of the people, and the assistance we derive from the gentry, that I do not think any analogy can be drawn between them.

2187. *Chairman.*] We have it in evidence, and the disposition of the Revenue Police proves the fact, that the districts in Ireland in which illicit distillation prevails are few as compared either with the whole population or the area of Ireland; and that consequently between one-third and one-fourth of the whole police force is in one single county?
Yes.

2188. In any part of Scotland or of England do you know less fraud upon the Excise spirit revenue than you find in the whole of the province of Munster and the greater part of the province of Leinster?
The southern parts of Ireland I think are as free from fraud as any part of England, except one description of fraud, which is only indirectly a fraud upon the revenue, that is in respect of the existence of the shebeen-houses.

2189. Lord *Stanley* of Alderley.] To what do you attribute that great difference between the province of Munster and the province of Connaught; seeing that the population of Munster are as wild and the district as desolate a district as in Connaught, how do you account for it that there is less illicit distillation in that province than in Connaught and Ulster?
It is exceedingly difficult to account for it; it is one of those surprising anomalies which I have sought for a solution of in vain; perhaps it may be that the roads are better, and that consequently they have a better opportunity of carrying grain to market; in Munster also probably there is less turf available in that district than in the north and north-west.

2190. *Chairman.*] Do you not think that it is partly attributable also to the very large markets for grain easily accessible in the south, which, except under peculiar circumstances, afford, at least to the farmer, the alternative of selling or distilling?
I think it is; I have stated that the good roads might be one cause.

2191. Earl of *Wicklow.*] Do you not consider that in that part of the north of Ireland where private distillation has so much prevailed, there is the same if not a better and easier communication with great market towns than even in Munster, such as Derry, Belfast and others?
Belfast is at a very considerable distance, and we have no illicit distillation, or scarcely any, in the county of Antrim.

2192. In respect of Londonderry, how is it?
Derry is so near that remarkably wild district of Innishowen, that of course there is a great deal of illicit distillation there, and the illicit distilled spirit is consumed in the city of Derry.

2193. *Chairman.*] Are you able to inform the Committee whether it is or not the fact, that whilst the commercial communications with the east and with the south of Ireland, say from Belfast round to Cork, have been long opened and used, direct communications for commercial purposes between the west of Ireland and England have been of much later introduction?
Quite so.

2194. Do not the facilities given by steam navigation act much more powerfully along the eastern coast than they can act by possibility along the western?
Yes.

2195. Earl of *Wicklow.*] You naturally expect, do you not, from that easy communication with the west of Ireland, that the inducement to private distillation will be very much diminished?
I think it will be.

2196. *Chairman.*] In Colonel Brereton's report upon the formation of his corps, he states in respect to the law by which the Revenue Police is governed, "The law has given to this force powers stronger and more summary than to any other armed force of the empire. The utmost precaution therefore in the selection of men and officers, and their subjection to rigid discipline before entering on their duties, is the more absolutely necessary." That corresponds with and sums up the evidence you have given in a more detailed shape?
Quite so.

2197. You are acquainted from your own observation, and from what you have learnt, I presume, with the state of the constabulary force in Ireland?
I have had some opportunity of seeing it; it is scattered all over the country; you cannot travel in any direction without meeting with the constabulary; but I have had no opportunity of direct communication either with the officers or with the men.

2198. But whether from your own observation or otherwise, from what you have learned, you can give us your opinion, can you not, as to their general efficiency and discipline?
They are a very fine-looking body of men, and I hear that they are considered very efficient, and the people generally have great confidence in them.

2199. You have stated one restriction which you enforce universally upon your men, but which is enforced only under certain regulations upon the constabulary; your men are prohibited from marriage altogether?
Yes.

2200. Do you find that essential?
We find it essential to our system. The chief inspectors have always considered it was essential to discipline that the men should live in barracks. It is quite impossible to have married men with their wives and families in the barracks.

2201. Do you not find it necessary also to observe great discretion and reserve as to the information you get, that is, in respect of secrecy, as to the proceedings of your corps?
Yes.

2202. Do you apprehend that the marriage of the men tells upon the question of their discretion and secrecy?
It tells in two ways; I believe first that a man who is married has a temptation to talk of what is going on; and then in the next place, if a man live out of the barracks, every movement that he makes becomes known; whilst on the contrary, if you have the party shut up in the barracks, the people about know nothing of your intentions till the force issues from the barrack. In Ireland, it is astonishing how rapidly and generally information is communicated.

2203. Your force is now distributed according to the map that you have given to us?
It is so.

2204. And you have given us a return, from which it appears that each party generally consists of 11 men and 2 officers on the average at each station?
That is about the number.

2205. That force is a much larger force than the average force which appears to be stationed under the direction of the constabulary, the latter showing an average of seven, not 13; do you consider that that larger force at your stations is absolutely necessary; and if you do consider it to be absolutely necessary for the execution of their duty, will you state the reasons for your opinion?
We have a force in Ireland, in round numbers, of 1,100 Revenue Police, and it

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it has been found necessary to have a number of certainly not less than 12 in any one station; and it is considered better to have so imposing a force, to put down the chance of resistance.

2206. And you do not think their numbers in the separate stations could be diminished without producing a risk of cases of collision and violence, arising by reason of their reduced force?

I know that it was the settled opinion of the two very high military authorities, Colonel Brereton and Colonel Maclachlan, who have successively had the command of the force, that it was impossible to diminish the number of men in our separate parties without very serious risk.

2207. Are you aware whether the experiment of reducing the number of Revenue Police was at any time tried in Ireland; and if it was tried, what were the consequences that attended it?

I find, from the reports on record, that it was tried a short time previous to Colonel Brereton's assuming the command, and re-organizing the force; the parties were reduced by one-half; that is, the number of parties was increased, but not the actual number of the force. In a very short time complaints were preferred; and an application was made to the Treasury, that each party which had been reduced one-half should be filled up to the proper number, so that the numerical strength of the police should be increased one-half; first, a division was attempted, instead of 12 parties, having 24; but it was found entirely an inefficient force, and then an application was made, not to re-unite them, but to double the number of each party.

2208. Can you inform us whether a report was not made upon this subject, on the 15th of March 1832, showing, on official authority, the effects which had been produced by the reduction of the number of men at the several stations, and stating the reasons upon which the Excise recommended the increase of their strength?

It was; and will be found in the Appendix to the Seventh Report of the Commissioners of Excise Inquiry, at page 67; it states, "At the original establishment of the police force, the numerical strength of each party was considerably greater than it is at present; and we, from time to time, with your Lordship's approbation, reduced the strength of the several parties, and formed the surplus men into additional parties, as the improved state of the country rendered it safe to proceed on duty with a smaller force; but it appears that the service cannot be so securely and effectively performed at the present reduced strength of the parties, recent attacks having been made upon them by large assemblages of people; and in one instance, it is stated, that the magistrates cautioned the commanding officer of the party from attempting to execute his duty with so small a force."

2209. Are any of those attacks made upon your people now?

Never; occasionally when prisoners have been seized, a large mob has assembled and endeavoured to rescue them; but the police, from their numbers, are now enabled to form a hollow square and place the prisoners in the centre, and defy resistance. I do not think it is above once in three or four years that anything of that kind occurs. At the same time, if, instead of 12 or 14 men, the parties consisted but of six or seven, I believe that attempts at rescue, and consequent outrages, would be more frequent; I think the inclination still remains.

2210. At any of those times anterior to the re-organization of the Revenue Police, are you aware whether the then existing constables of the country were accustomed to be called in in aid of the Revenue Police, and to act with them?

I believe they were occasionally; but more frequently the military were called in.

2211. What was the effect, as far as you have been able to ascertain it, of such an attempt to administer the Excise laws under those combined authorities; you have already stated the case with respect to the military, what was it with respect to the constables?

I have been told that the constables were exceedingly inefficient; and the remonstrances from the military were incessant; I see in the same Report to the Treasury, at page 69, it is stated that "this practice was not only attended with very considerable expense, but was productive of numerous remonstrances from the

the military officers, who complained that the soldiers were continually harassed and exposed to the temptation of drinking spirits to excess, to the great injury of the service; the aid of the military was therefore in a great measure dispensed with, and the force specially employed by the Revenue Police increased, but as the surveying officers could not venture to act without military assistance, a new arrangement of their business took place."

2212. There is before us, amongst the papers you have put in, an account of an experiment of combined action between the constables and the revenue authorities in the county of Mayo; did not that lead to disputes and inquiries carried on by the constabulary officers and by the Excise officers, and does not that show great difficulty arising out of that combined action?

I believe that I have furnished the Committee with a statement from our records of that transaction.

2213. A proposition has been made to the effect of totally abolishing the existing Revenue Police, and of confiding all the duties which are now performed by them to the constabulary force of Ireland, which is assumed and described to be a body stationed in parties, averaging seven men each, all over the country, and being in a very high state of efficiency and discipline; what would be your opinion with respect to the security of the revenue with which you are charged if that proposition were carried into effect?

I should be exceedingly reluctant to be responsible for the security of the revenue under any such arrangement, and I should respectfully disclaim any such responsibility.

2214. Do you consider that it would be practicable to administer such a system without confiding to the officers of the constabulary, as such, Excise commissions in the same manner as Excise commissions are now given to the officers of your Revenue Police?

If the constabulary were not fortified by Excise commissions, they would have no authority beyond that which they possess as civil officers of the peace; they would therefore be deprived of all the authority which Excise officers possess; and if, on the other hand, I were to give commissions to them, I should do it entirely contrary to my own conviction of what was right, because I should entrust commissions to persons over whom I had no authority, yet for whose acts I ought to be responsible.

2215. Lord *Stanley* of Alderley.] If they were accompanied by an officer of yours possessing the necessary authority, would they not be equally useful with the persons you have hitherto employed under similar circumstances?

I think not, because if they were sure of being accompanied by an officer with a commission, the granting of a commission to one of the party of the constabulary would have an equal effect; if they were to be accompanied by an officer of our own carrying his commission, they must either be under the command of that officer and subject to his direction, or they must not; if they are subject to his direction, what becomes of the authority of Sir Duncan M'Gregor and his staff; if they were not, I should be very sorry to entrust a commission to a person not essentially an Excise officer.

2216. But if they were under the direction of an officer of your own, you would see then no objection to their employment, nor would they be less efficient than the persons you now employ?

If, instead of being scattered over the country in patrols of threes and fours, they were scattered in sevens or eights, they would then more nearly equal the force of our own Revenue Police.

2217. Viscount *Canning*.] Does your objection to the employment of the constabulary in the discharge of the duties now performed by the Revenue Police extend to all the duties which are entrusted to that particular body?

Certainly not.

2218. *Chairman*.] Then the Committee are to understand that the confiding of the revenue duties which are now exercised by the Revenue Police to another body, a civil force like the constabulary, would be, in your judgment, inconsistent with the safety of the revenue, and your due sense of the responsibility of your Board?

Entirely.

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2219. I think you have already stated that if an officer of yours were required to be present with the constabulary, you would see inconveniences arising out of the conflicting authority that might be the result between your Excise officer and the constabulary authority; do you think that that is a serious objection that would tend to render the force ineffective?

So serious as to be insuperable. I cannot conceive of any force acting efficiently under two masters, or that the head of either force would wish to act in such a way.

2220. You have described to us, by reference to the law, the greater powers possessed by, as well as the greater protection given to the officers of Revenue Police; and you have stated to us, that you consider that authority and that protection to be necessary for the revenue?

I think it is.

2221. Supposing, in the case of combined action, that one portion of the force possessed those authorities and protections, and the other, namely, the constabulary, did not possess them, what would be the result?

If the parties were acting together, the constabulary would be protected by the Excise commission held by the Revenue Police; but it has never yet occurred to me for what reason they should act in combination. I think the forces would act more beneficially if the constabulary were employed in preserving the peace of the country, and the Revenue Police in looking after the revenue of the country, than they would by any possible combination.

2222. Even supposing the presence of the Excise officer communicated his authority, as it would do to the constabulary that were taken out by him, or that accompanied him, do you not consider that it would be productive of very serious inconvenience if the constabulary employed on one day under the Excise laws possessed much greater authority and much greater protection than they enjoyed the next day, when they were acting in the discharge of their own peculiar duties; would not this lead to confusion, and can you imagine that it would work well?

I do not think it would.

2223. Have not your people a much more immediate power of opposing force to force, and if necessary, of resisting obstruction, even by the use of their fire-arms, without the presence and authority of a civil magistrate or a civil magistrate's warrant, than any that is entrusted by law to the constabulary?

Their powers are much more extensive.

2224. Then if those greater powers are now found necessary for the Revenue Police, in the event of transferring the protection of the Excise revenue to the constabulary, would it not be equally necessary, in your judgment, to give to the constabulary those powers as it is to give them to your police at the present time?

Yes.

2225. We have had it in evidence that the constabulary are employed as a moveable force; that, supposing the county of Donegal, in a state of entire tranquillity, and a neighbouring county in a state of disturbance, the constabulary of Donegal are drafted into the disturbed county to preserve the public peace?

Yes; that is the case.

2226. Would that system of distributing the forces be consistent with the efficient suppression of illicit distillation?

We should not be at all safe from illicit distillation if any part of the country at present protected by our Revenue Police were left without their protection.

2227. Supposing that, for the purposes of the public peace, one-half of the constabulary force in Donegal was necessarily withdrawn from that county, what effect do you think would be produced upon illicit distillation?

If in the winter time, more particularly when grain is abundant, I think illicit distillation would immediately revive to some extent.

2228. Lord *Stanley* of Alderley.] If there should be only the required force sent from the central depôt, that would obviate all objection in that respect?

Except that any additional force sent on a sudden from the depôt would not be acquainted with the localities, nor would they have experience in the peculiar working of the force in the suppressing of illicit distillation.

2229. But if the same force was retained and paid out of the Consolidated Fund, instead of being imposed upon the county itself, that of course would obviate the objection?

I thought the question to me implied, that a great proportion of the force was occasionally withdrawn.

2230. *Chairman.*] As illustrative of this question of an amalgamated power, as differing from a distinct responsibility and power, I refer you to a return before the Committee, showing the number of officers and men employed in the coast-guard service of Ireland. The number is 1,466, at a total expense of 120,652*l.* in the last year. Do you think, in justice to that establishment, and to the great interests which are involved in the Customs revenue, that it would be practicable to place them under your Excise authority, and to entrust their duties to you, or to amalgamate them with your Excise force, and undertake the whole responsibility?

I should be very sorry to see the trial made. Independently of spirits and malt, I wish to mention that the Revenue Police have a great deal to do with the paper duties; we have been obliged to establish stands at paper mills, and send parties of Revenue Police to protect our men. We have also charge of tobacco after it is landed, and our seizures of tobacco have been very extensive. Of course, if the Revenue Police were abolished, we should want very considerable aid, both to look after the tobacco and also to look after the paper.

2231. Lord *Stanley* of Alderley.] What have the Revenue Police to do when required to attend at the paper mills?

In Ireland many of the paper mills are in unfrequented situations, and paper is easily conveyed away, and our officers have been exposed to great personal danger; I believe in one case even to loss of life; and the consequence is that at certain paper mills we have been obliged to put a lieutenant and a party of police in the neighbourhood of one paper mill; we have a party of 14 police to protect the officer, and also to patrol the roads to prevent the carrying away of paper. In the same way large seizures of tobacco have frequently been made in the internal parts of the country by the Revenue Police.

2232. *Chairman.*] Therefore if the Revenue Police were to be abolished, those functions which you have last described, and which are purely revenue duties, must likewise be performed by the constabulary?

They must be performed by somebody.

2233. Are many of those duties of a character that require some degree of knowledge of the Excise laws, in order to determine whether the seizure can or cannot properly take place, and whether a given act of the trader is legal or illegal?

No doubt; a man going to execute the Excise laws ought to be generally acquainted with them; but still I think a lieutenant of the Revenue Police, or an officer of the constabulary, would soon have sufficient knowledge to guide them.

2234. Are not the duties you have described, duties in which a direct responsibility to the Board of Inland Revenue is necessary for their accomplishment?

Certainly.

2235. And if you found any of your Revenue Police in the execution of any of those duties neglecting them, or exhibiting a want of sufficient uprightness and intelligence to enable him to act with effect, would you not instantly either disrate him, or dismiss him, as the case required?

Certainly.

2236. Are those powers of punishment, powers absolutely necessary for the efficient collection of the revenue?

Indispensable.

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2237. How could you exercise such power and authority if the parties to whom the functions were entrusted were not responsible to you, but were under another control?

It would be in vain to attempt it; I cannot see how they well could work.

2238. You are acquainted with many public departments here; can you imagine such a combined use of two forces leading to anything but perpetual perplexity, and difficulty of correspondence between the two governing departments?

Not only that, but the entire inefficiency of both.

2239. Before you had established your steamer, had you had any experience of the difficulties arising in seeking for the co-operation, even of the kindred force of the Customs in the administration of your authority on the coast and in the islands?

Very great indeed; I think the most anxious and painful discussions that I have ever had as chairman have been relative to Sir James Dumbrane, when he was Chief Inspector in Ireland of the coast-guard.

2240. Was the character of those discussions arising out of the attempt to use the two authorities for the one purpose?

We made two proposals; the first was, that the coast-guard should have the entire responsibility of suppressing illicit distillation on the north-west coast of Ireland; as an alternative proposal, we said that we would be still responsible, provided the coast-guard would boat our men, land them on the islands, wait for them, and bring them back; and in neither of these proposals did we succeed. The Revenue Police on shore had driven the smugglers very much to the small islands off the coast, and we found it impossible to suppress smuggling in the islands; but I believe now it is almost unknown there.

2241. You referred just now to the question of shebeen-houses; do you consider those unlicensed houses for the sale of spirit, either licensed or illicit spirit, to be a very serious evil in Ireland, which ought to be checked and dealt with vigorously?

No doubt of it; I believe you have it already in evidence, and every communication I have had with Ireland strengthens the opinion, that almost all the crimes and outrages in Ireland are concocted in the shebeen-houses. They also afford, particularly in the northern parts of Ireland, a very convenient outlet for the sale of illicit spirits; and the southern parts of Ireland, where illicit distillation does not prevail, for the overstock of the licensed distiller.

2242. Can you refer us to the law upon the subject?

The administration of the law, which is contained in various Acts of Parliament, which have been renewed for five years from time to time, is expressly committed to the constabulary, the 2d & 3d of Victoria, chapter 79, dated August 1839, which has been continued for intervals of five years up to the present period, gives, I think, most efficient power to the constabulary; the operation of the Act is confined to the constabulary. The Excise have no power whatever under the Act; that Act was passed in order to give the constabulary power; and I do not think that the Act has been put into force efficiently.

2243. Have you ever had occasion to consider whether the non-efficacy of this Act arises from any defect in its wording, or from any neglect in its enforcement?

I believe from both.

2244. Can you suggest to the Committee any amendment in the wording of the Act that will check a practice which you have described to be alike injurious to the public peace and to the Excise revenue?

The subject has engaged the very serious attention of the Board of Excise for many years, and various communications have taken place with the Treasury and the Irish Government. And, probably, I should put the Committee in possession of the most compendious and perspicuous information if I read a copy of the Report of Mr. Saurin, the Solicitor to Inland Revenue in Ireland, to the Board, as to the sale of spirits in unlicensed houses. It is dated the 24th of August 1852:—"The provisions contained in the 2d & 3d Victoria

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referred to by Sir Duncan M'Gregor are certainly (as he observes) very inadequate to meet the evil complained of, the sale of spirits by unlicensed persons in what are termed shebeen-houses, or in booths at fairs, as in the case of a visit and search made in such places, care would no doubt be taken that no spirits should be found in quantity requiring a permit or certificate for its protection, nor even an appearance of spirits being kept or exposed for sale; and it is only under such circumstances that a Sub-inspector, or Chief Constable of Police, to whom a warrant is granted for the purpose under that Act, can seize any spirits, or prosecute the owner of the house in which they are kept for a penalty; and it is really difficult to suggest any more stringent powers being vested in the constabulary, or in the officers of this revenue, that could not be considered as arbitrary and severe. To make the mere finding of spirits in any quantity in a house or place (unless illicit spirits) penal would subject every individual who had spirits in his house to have it examined for the purpose; and if found, that the owner would be liable to be prosecuted for it. The law may, however, I think be beneficially amended by extending the powers conferred upon the magistrates by the first and fourth sections of the Act in question (2 & 3 Vict. c. 79) to issuing their warrants to head-constables and constables, as well as to Sub-inspectors, to whom or to chief constables they can under the present law be alone entrusted, which would include both the commissioned and non-commissioned officers of that force, with whom it chiefly rests, I think, to suppress the evil complained of, and which is in reality one more affecting the morals and peace of the country than it is detrimental to the interests of the revenue; for as Sir D. M'Gregor observes, in his letter to the Board of 11th February 1851, the spirits generally kept and sold in these unlicensed houses or places are legally made spirits, on which it is to be presumed duty has been paid, and not spirits illicitly distilled. The Act I have referred to, being a Police and not a Revenue Act, the Board may probably deem it advisable to suggest to the Government such an amendment of it as I have pointed out, as one calculated to make the provisions of it more effective, and more likely to suppress the evil now so generally complained of throughout the country." On receiving this opinion we reported it to the Treasury. I have here a letter from the Board of Inland Revenue to the Constabulary Office in Dublin, on the subject of complaints preferred against Supervisor Newry, by the constabulary, as to his having stated that the latter gave information against persons selling spirits without license and the copy of a letter from Sir Duncan M'Gregor, in reply to that of the Commissioners of Inland Revenue, as follows: "Inland Revenue Office, Old Broad-street, London, 28th January, 1851. Sir,—The Commissioners of Inland Revenue have had under consideration the further report of Sub-inspector James, of the constabulary, and the accompanying papers transmitted with your memorandum of the 18th instant, referring to the complaint preferred by that officer against the supervisor of this department at Newry; I am directed to acquaint you, that the Board observes with much regret that the communications which have passed between the constabulary and the officers of Excise, respecting the illegal sale of spirits at the fair of Greencastle, have not been kept as secret as the Sub-inspector of constabulary appears to have desired. Both establishments are supported at the public expense, and it should be the desire of both to act cordially together for the public benefit. The Board desire me to add that they are not acquainted with the orders under which the constabulary act, and that they can have no wish either to criticise or to interfere with them; but they think it desirable, with reference to some observations contained in Mr. James's Report, to observe, that the power of laying informations for the illegal sale of spirits is not confined to the officers of this revenue, but is extended to the common informer: that the constabulary, also, by the 2 & 3 Vict. c. 79, continued by 12 Vict. c. 17, have been invested with exclusive and summary powers for the detection and punishment of the offence in question; and that any odium which accompanies these public prosecutions must necessarily attach to the person undertaking them, whether belonging to the constabulary or Revenue Department. I beg to return the papers forwarded with your memorandum, and I have the honour to be, &c., &c., J. C. Freeling.—To H. Brownigg, Esq., Constabulary Officer, Dublin Castle." "Constabulary Office, Dublin Castle, 11 February 1851. Sir,—I have the honour to acknowledge the receipt of your letter of the 28th inst., returning the file of papers having reference to the complaint of Sub-inspector James, of the constabulary, against the Supervisor of the Revenue Department, stationed

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at Newry, with the Board's observations thereon. In reply, I beg to state that while I see no reason to be dissatisfied with the conduct or zeal of Sub-inspector James, or his men, on the occasion referred to, I feel it my duty to offer some general observations on the subject in question. It is true that the constabulary are authorised by law, and enjoined by repeated orders from this office, to exercise certain powers respecting unlicensed houses for the sale of spirits, and otherwise to assist in the protection of the revenue. But I can scarcely imagine any act of imprudence more calculated to damp the zeal of the constabulary or to impair their usefulness in this matter than for the Excise officers or for the members of the Revenue Police, as occasionally happen, to unnecessarily remove from themselves and cast on the constabulary the odium that is unfortunately attached to this unpopular service. And although I conceive that the officers of the revenue or of any other department under the Government are bound to inform the constabulary of the perpetration of serious crime that may come to their knowledge, yet I should be disposed to visit with serious punishment any member of the force under my charge who would be guilty of making known to the people the name of the individual in any such case as that adverted to. With regard to the Acts 2 & 3 Vict. c. 72, continued by 12 Vict. c. 17, to which you have referred, I fear that, practically, but little advantage can be derived from them. The informations can scarcely ever be laid by the police, who are perfectly known in the neighbourhood of unlicensed houses, to whom, therefore, or in whose presence no unlicensed persons will sell spirits. Should any private individual be found—a very rare occurrence—to lodge the necessary information, the magistrate must restrict the issuing of his warrant to a Sub-inspector, whose quarters may be 20 miles distant, and who may be at the time absent or employed on indispensable duty; but supposing that these difficulties are over come, and the Sub-inspector enters the unlicensed house, he finds nothing illegal there; the inmates will sell no spirits to a stranger who is not introduced by some one in whom they have perfect confidence, and the great probability is, that if the officer searches for and finds spirits, it is not beyond the quantity allowed to be kept in a private dwelling, nor are the spirits the product of illicit distillation; it being understood that in general the spirits used in unlicensed houses have been purchased from regular dealers. If such obstacles are opposed to the detection of unlicensed sellers of spirits in permanent houses, I conceive these difficulties are multiplied in the case of booths, temporarily erected for the same purpose at fairs and races. Under all these circumstances I fear that much effective aid in the matter referred to can scarcely be expected from the constabulary. I have the honour to be, sir, your most obedient humble servant, D. M'Gregor.—To J. Clayton Freeling, Esq., Inland Revenue Office, Broad-street, London." I have also a communication from the Commissioners of Inland Revenue to the Lords of the Treasury as to the sales of spirits in Ireland, and their Lordships' reply; they are as follows: "May it please your Lordships, —The sale of spirits by unlicensed persons in Ireland has frequently been brought under the notice of your Lordships and of this Board by the magistrates and by other persons professing to be interested in the suppression of the practice. We have endeavoured to show to your Lordships that the exertions of the local officers in aid of these representations have not been wanting, but that they are liable to be defeated by the ingenuity and caution with which the sales are conducted, and we have frequently had occasion to point out the provisions of the Act 2 & 3 Vict. c. 79 (renewed by the subsequent Act of 7 & 8 Vict. c. 82, and 12 Vict. c. 17), as conferring on the magistrates and the constabulary extensive and summary powers for detecting and punishing the offenders, which the Legislature has not thought fit to entrust to the officers of their establishment. There is no doubt that the sale of spirits in what are termed shebeen-houses is still actively carried on, and we have thought it desirable to bring the matter more particularly before your Lordships at this time, in consequence of some representations which we have lately received, and from which it would appear that the provisions of the before-mentioned Act are either not known to, or if known are not put in force by the police and the justices. We beg leave to forward for your Lordships' perusal copies of letters on this subject from the Marquess of Londonderry and Colonel Blacker (together with our replies). It appears that the writers of these letters are not aware of the stringent powers committed exclusively to the police by the Act in question, a copy of which we annex. They imagined that the power of suppressing a practice, which is complained of rather on the ground of its demoralizing tendency than of its effects upon the revenue under

under our management, is vested entirely in this department; and that the local authorities have, in point of fact, little or no jurisdiction in a matter on which materially depends the preservation of peace and order within their respective districts. As an illustration of the preceding remarks it may be stated, that in some late instances the suspected houses have been entered by our officers, and sufficient indications of the practice of selling having been observed (although no proof of actual sale could be obtained), small quantities of spirits were seized and removed; that these spirits were pronounced on examination to be of legal manufacture, and that the legality of the officers' proceedings was, under the circumstances, very questionable. In another case, some disturbance ensued, and the matter having been brought before the justices, the officers were convicted; but were discharged with a merely nominal fine. It is precisely to cases of this description that the remedial powers of the Act of 2 & 3 Vict. are adapted; by the 1st and 4th sections the justices are empowered to grant warrants upon the oath of the officer or constable of police, to any justice, sub-inspector or chief constable of police, to enter suspected houses to make seizures, to arrest persons in or coming from the house, and to fine or imprison the offenders. The efficacy of this law has been recently tested in a case in which the Excise officers, having failed in their attempt to obtain proof of sale, had stated and explained the provisions of the Act to the resident magistrate; the attention of the assistant-barrister and justices assembled at quarter sessions was in consequence specially called to the subject, and the result has been the conviction of the suspected persons by the agency of the constabulary. It is stated that these proceedings have already caused some persons who are known to have sold illegally, to apply to the magistrates for licenses, and that they will have generally a salutary effect in the district. Your Lordships are aware that the law gives to the magistrates the exclusive right of deciding upon the claims of persons to hold licenses for the sale of spirits, and that upon the production of the magistrates' certificates, the officers of this department are bound to grant the necessary Excise license. The grounds of this arrangement are sufficiently obvious; and the violation of the Act as regards the certificate, which is required for objects of police, is at least as serious an offence as that which only affects the regulations of this department, and the amount of the license duty. We submit, therefore, whether your Lordships may not think proper to communicate with the Irish Government with the view to some authoritative intimation of the existence of the powers of the Act to which we have adverted; and we venture to add our firm conviction that a determination on the part of the constabulary and the magistrates to enforce the provisions of it would not fail to be promptly attended with the most beneficial results. December 2d, 1850." "Treasury Chambers, 1st March 1851. Gentlemen,—I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, with reference to your report of the 2d December last, No. 445, that my Lords having called the attention of the Lord Lieutenant of Ireland to the illicit sale of spirits in that country, his Excellency has caused a communication to be addressed to the magistrates throughout the country, and to the inspector-general of constabulary, calling their attention to the powers granted them by the provisions of the Act 2 & 3 Vict. c. 79. I am, gentlemen, your obedient servant, G. Cornewall Lewis. To the Commissioners of Inland Revenue, Broad-street." The defect complained of in the Act is this, not that the powers are not sufficiently extensive, but that the warrant is to be committed only to an officer of a certain rank, namely, a sub-inspector or chief constable of police; but the chief constable or inspector may not at the time be within a reasonable distance; therefore there is no person to execute the warrant, even after information on oath has been given; it seems also to be an understanding of the constabulary, particularly from the papers which I have put in, that it is necessary to prove a sale; such would be the case if an Excise officer were employed; but the constabulary have this most extraordinary power, that, on getting a warrant from a justice of the peace, the person to whom it is addressed may "enter into any such room, house, or other place as aforesaid, at or over the outer door of which no such sign or notice shall be posted or written; and if any person shall be found to be or to have recently been drinking or tippling on such unlicensed premises as aforesaid, at or over the outer door of which no such sign or notice shall be posted or written, and in which spirits shall be then sold or kept for sale, such persons shall and may be lawfully apprehended (no proof of sale required), and forthwith

carried and conveyed before the nearest justice of the peace, and upon conviction of his having been found in such unlicensed premises, at or over the outer door of which no such sign or notice shall be so posted or written, and in which spirits were then sold or kept for sale"—the mere finding is the presumption.

2245. Viscount *Canning*.] Not sold to those individual men?

No; not sold to those individual men. The general reputation of the house, on oath, that the spirits are there sold without any proof of actual sale, is under this Act sufficient, as I am advised—"and to have been so drinking or tippling there, shall forfeit and pay any sum not exceeding 5*s*., and in default of payment thereof, shall and may be committed to the common gaol, house of correction, or bridewell, for any time not exceeding 24 hours." I think it is the most startling Act for its stringency which I am acquainted with; and yet this has been suffered, as confessed by the constabulary themselves, to become almost a dead letter. Our interpretation of this Act is, that no actual proof of sale is needed. The first part of the clause is, if "any officer or constable of police shall make oath in writing, to be by him taken and subscribed before a justice of the peace within his jurisdiction (which oath every such justice is hereby empowered to administer and receive) that he the said officer or constable has good reason to believe that spirits are retailed or sold without a license, or kept for sale without license, in any room, house or other place within the said district, at or over the outer door of which room, house or place no sign or notice is posted or written, importing that the owner or occupier thereof is licensed to sell spirits, it shall be lawful for such justice, by warrant under his hand and seal, to authorise and empower"—what I have already described.

2246. What is the date of that Act?

This Act passed in 1839, for five years, and has since been renewed at successive periods of five years to the present time, and is still in existence. The remark I wish to make upon that is this, that though the fact that the Act only empowers the warrant to be directed to any Sub-inspector or chief constable of police, has been pointed out almost every year to my certain knowledge, since the year 1839, and though the Act has been renewed three times, this patent defect in the Act has never been remedied.

2247. *Chairman*.] From your own knowledge, and from the reports made to you, have you reason to believe that those shebeen-houses are exceedingly numerous in Ireland?

I know that they are. If ever I have asked a driver of an outside car in the country whether he liked any refreshment, in the course of a very short time he has driven up to a house without any sign, at which he got it, and I have been much surprised sometimes when I have been out on fishing excursions to find, that the followers always had plenty of whisky, though there was no visible sign from whence it was procured.

2248. Earl of *Wicklow*.] Do you think that the shebeen-houses are injurious to the revenue?

They are injurious to the revenue, inasmuch as we lose the license by which spirits ought to be sold; but, perhaps, inasmuch as they contribute to the consumption of spirits, they are indirectly not injurious to the revenue.

2249. I mean as to whether, to the revenue itself, the increased consumption of spirits, in consequence of those shebeen-houses, does not fully compensate for the loss to the revenue of the spirit being sold without a license?

It may be; and, therefore, I have always considered the suppression of shebeen-houses was purely a police and not an Excise matter.

2250. *Chairman*.] You have stated that although you felt extreme difficulty and repugnance either to the transfer of your police duties to the constables, by suppressing the Revenue Police, or to the amalgamation of both forces in the performance of the same duty, you were yet of opinion that, consistently with the principle of separate establishment, there were existing duties which, advantageously for the Excise revenue, the constabulary might be called upon to perform; will you state what those duties are?

I think that there is assistance of various kinds which the constabulary might give

give to the Revenue Police, which would be of the utmost importance to us, and which would not impair the efficiency of the constabulary.

2251. Will you state any one of them?

In the first place, I think that the constabulary should give *bonâ fide* information to the nearest lieutenant of Revenue Police, where illicit distillation exists or is in preparation.

2252. Earl of *Wicklow.*] Is not that the practice now?

I believe that the Committee have already before them the confidential circular of the 21st of September 1842, issued by Sir Duncan M'Gregor to the constabulary; and I believe that it is also stated by Sir Duncan M'Gregor, that whatever information was given in the first instance, that information has now almost ceased to be given, and practically I know that is the fact; but that order from the constabulary also comprised a list of six questions, which I will put in: "Questions to be answered confidentially by officers in charge of districts, and constables in charge of sub-districts:—1st. Are there any persons in your district known to the police to be in the habit of illegally manufacturing malt, or illicitly distilling? 2d. What are the names and occupations of these persons, where do they reside, and what is the nearest town or village to their dwellings? 3d. Is any illicit distillation now going on in your district, either by the preparation for such distillation, or by stills at work; or is any grain preparing for illicit manufacture of malt? 4th. State the names and description of the persons now committing those frauds, exactly describing where they reside, and what is the nearest village or town? 5th. Are there any stills or distilling vessels not now at work, in possession of any persons in your district? 6th. Who are the persons having in their possession stills, or vessels for the purpose of illicit distillation; give their names and an exact description of their dwellings, and what is the nearest village or town." Those were questions that were to be answered from time to time as the occasion arose. I think, in order to render this information efficient, it ought to be compulsory upon the constabulary to report every week, or every fortnight, and to send back one of those blank forms, filled up, either with the natural operations that have taken place, or a nil return; by adopting that plan, you would compel the constabulary, scattered over the country, to be in the continual habit of making the returns which Sir Duncan M'Gregor complains they do not make; he says the thing has fallen into desuetude. I believe that such reports being sent to head-quarters would keep the constabulary to their duty in the spirit of this very pressing circular, to which I have called your Lordships' attention.

2253. Viscount *Canning.*] When you say sent to head-quarters, do you mean sent in the first instance to the head-quarters of the constabulary, and by them to the head-quarters of the Revenue Police?

I would have this return sent to head-quarters, but in addition to that, I would have information sent to the nearest lieutenant of Revenue Police by any party of constabulary that was in the neighbourhood, and aware of what was going on; because unless information be promptly acted upon, it is of no value.

2254. *Chairman.*] Do you not think it would be essential to any communication of information that it should be done, whilst it was done effectively, in such a way as would least endanger the discipline of either force?

No doubt.

2255. Suppose any similar duties of collecting information with respect to the public peace, or conspiracies against it, or anything of that description, were cast upon your Revenue Police, it would be absolutely necessary that those particular duties should be executed in a manner that would not diminish your authority over them, or Colonel Maclachlan's authority, or diminish their own efficiency?

I am quite certain that a divided authority can never answer.

2256. Do you think this would answer, that contemporaneously with the communication of any information to head-quarters, namely, to Sir Duncan M'Gregor, they were also called upon to make the communication you have described to the revenue lieutenant?

I think so; I think it should be in duplicate.

2257. Do you think that, in order to render those communications more

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effective, they should be considered rather in the light of confidential communications than anything else?

I think they should be; I have always considered it quite essential to the success of this scheme that this confidential circular which was put in by Sir Duncan M'Gregor, and therefore is before all the world, and that the blank form of questions also, should be made as public as possible, to the whole peasantry of Ireland. We are continually told that the character of the Irish peasantry is this, that so soon as they know that a man is only discharging his duty, they offer no opposition to him. I would let every one in Ireland know that it is a part of the duty of the constabulary to fill up such a return as that weekly or monthly, as the case may be, because then that would test the accuracy of the opinion that if the peasantry were aware of that, and knew the duty was one that the constabulary were obliged to perform, they would readily fall in with it.

2258. Would so general a description of the readiness of the peasantry to obey because they knew that the party commanding their obedience was doing so in the execution of the law, be entirely consistent with the opinion that you and others of your Revenue Police force, as well as the constabulary, have expressed that it is necessary in order to ensure obedience, not only to act under legal authority, but to have a sufficient strength to command obedience, and render resistance unavailing?

I was stating the opinion of others, and not my own conviction; I have no such belief; but I want to take away the constant excuse that is made for particular duties not being performed by a particular set of men, because it would render them obnoxious; and it is those persons who go on to say, "Let the peasantry be aware they are part of our duties, and they will offer no opposition to us;" therefore let this be tested.

2295. Earl of *Wicklow.*] Would that last recommendation, with regard to the employment of the police, require any alteration in the present Acts of Parliament for the government and conduct of the constabulary?

I should myself have had a doubt of it; but inasmuch as this circular, and those forms of returns, were devised and corrected, and issued under the direct cognizance of the Lord Lieutenant and the Irish Government, I suppose they have taken good advice, and I have a right to assume that they considered no Act of Parliament necessary; they were issued at a time when Parliament was not sitting, namely, September 1842; and I know they were not only submitted to the Irish, but to the English Government.

2260. *Chairman.*] Considering the prohibitory clauses against the employment of the constabulary for revenue purposes, do you not consider that if such a change was made, it would be much safer that previously a corresponding change should be made in the law?

I think it would.

2261. Is there any other point in which, in your judgment, the constabulary might give efficient aid to the Revenue Police without inconvenience to either corps, and with advantage to the public?

I think, with great convenience to our service, and without any inconvenience to the constabulary, that they ought to be charged with the escort of prisoners. I think they should escort to the county gaol prisoners committed from petty sessions under warrants, and that the name of one of the constables should be inserted in the warrant. That would be in exact conformity with the report of Colonel Brereton, dated the 23d July 1836, which is as follows: "From the constabulary assistance may be derived, which would greatly add to the efficiency of the Revenue Police; this would be by charging the former with the duty of escorting prisoners made by the latter. The parties of Revenue Police do not upon an average exceed 13 men each. To supply escorts for lodging prisoners in a gaol, which must be that of the county in which the offence was committed, often occasions a suspension of still-hunting duties during several days. When I visited Ballycastle, I found the party there preparing to escort prisoners to the gaol of Castlebar, a distance to and from of 60 Irish miles. If the constabulary had been charged with that duty, their march would not have exceeded at the utmost 12 miles, by passing their prisoners from one police station to another."

2262. Then,

2262. Then, is your recommendation that which has been made by various witnesses, not only that on conviction before a magistrate at petty sessions, the prisoners should be transmitted by the constables to the county gaol, but that the constable should also take charge of those prisoners in their transmission before the petty sessions, and before conviction?

I do not think there would be any necessity for that; because our prisoners are of two sorts. We have the power of arrest and summary conviction on finding persons actually engaged in illicit distillation. A person taken in the fact of illicit distillation is taken prisoner on the spot by the party of Revenue Police, and they must necessarily attend with him before the magistrate; that is generally done the next day.

2263. Lord *Stanley* of Alderley.] Where are they detained till such time as they are taken before a magistrate?

In the barrack or on board the steamer. We are bound to take them forthwith before a magistrate. The arrest generally takes place in the night, and probably before noon the next day the prisoner's case has been heard before the nearest justice; he has been convicted, and is on his way to the county gaol. In other cases, where the party has either escaped or we have only information that he has been concerned in illicit distillation, a summons is granted, which is put into the hands of the Revenue Police, and they must necessarily take him also before the justice. The only assistance I want from the constabulary commences after the prisoner's conviction.

2264. *Chairman.*] Do you not think, in furtherance of the object you have in view, that the constabulary being a civil force acting under the magistrate's orders, it is expedient to limit their duties of escort, as you have done the whole of their functions in escorting, still continuing under the same civil authority under which they now act?

Precisely so; because I recommend that the name of one of the constabulary should be inserted in the warrant, which would be his authority for conveying the prisoners to gaol.

2265. Earl of *Wicklow*] Do you suppose this recommendation could be carried into effect without any alteration of an Act of Parliament?

I believe so, because the constabulary have occasionally escorted prisoners already, and I believe the immediate cause of its discontinuance was some difference in the amount of mileage.

2666. *Chairman.*] Is there any other recommendation that you would be inclined to give?

The next is one to which I attach very great importance indeed much more importance than to any other; but it is a recommendation that I give with some degree of hesitation, because it may be said that it is mixing up the constabulary with revenue purposes. It is this, that the constabulary shall, on meeting with spirits *in transitu*, demand the permits accompanying them, and shall indorse the date; and if there be no permit, that they shall take possession of the spirits, and hand them over to the next party of Revenue Police, or put them into a place of safety. It is impossible that illicit distillation shall go on if there be an effectual prevention to the transit of spirits when distilled.

2267. You are acquainted with the north of Ireland and the constabulary districts?

Perfectly.

2268. Do not the roads go through the towns and villages?

Yes.

2269. And in those towns and villages are not the constabulary barracks generally fixed?

Yes.

2270. Then, if in their stations and on the roads passing through those villages, a discretion was entrusted to the constabulary, could they not do that without any material interference in the execution of their present duties?

I believe it would be no interference at all; and I may explain that illicit spirits would necessarily be unaccompanied by a permit, so that there could be no doubt about it. The people conveying spirits which have been distilled

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legally have, of course, a permit; but if the spirits are overstock, they have no permit, and then they are liable to seizure. There could be no difficulty about it, because the permit is essential to the conveyance of any quantity over a gallon.

2271. Do you not see some difficulty that might arise in that part of the function to which you have alluded of requiring the constable to indorse or mark the permit; would not that, in the event of subsequent proceedings being required, render it necessary for the Excise to bring forward that policeman as a witness, and to involve him not only in the proceedings you have described, but in subsequent proceedings of a judicial character?

The use of indorsing the permit is this, that it renders it unavailable for the covering of a second quantity of spirits. The plan adopted by distillers who pay their duties, but have an overstock to get rid of, is this: a permit is taken out for, suppose, 10 gallons, which are put into two kegs and slung across a horse; and a messenger is sent with this quantity; and if he is stopped, he produces his permit; but if he is not stopped before he delivers the spirits at the place for which they are addressed, he sends back the permit with the greatest possible haste, probably by short cuts across the mountains, and a second quantity of 10 gallons is then put into kegs on the back of a horse, and the original permit covers it; whereas it would be only so much waste paper if it were indorsed.

2272. Earl of *Wicklow.*] Would not the effect of that be to employ the constabulary not so much to suppress illicit distillation, as also for the purpose of being instrumental in the collection of the revenue?

Perhaps it would, and, therefore, though I have no doubt it would be exceedingly useful, I hope the Committee will recollect it is a suggestion that I hazarded with much hesitation; but that great importance is attached to it I know, from the frequent representations I have had; and only the other day, the 1st of July 1853, entirely unsolicited by me, I had a letter, an extract of which I will read, from one of the principal distillers in Ireland, who knows probably as well as any man in Ireland the whole condition of the spirit trade: "If the constabulary are to be made use of at all by you, I trust you will not overlook the making them examine all carts with spirits on the public roads, to see if a permit accompanies them, and to mark it so as to prevent a second turn being taken upon it; this could not occupy much of their time, and I am confident would prove very valuable in preventing overstock whisky being sent out, as there is scarcely a road in Ireland on which the constabulary are not to be met by day or night, so that no cart could pass by without their seeing it; I dare say this has not escaped your notice ere this, and you will excuse me for mentioning it."

2273. But supposing the object was solely to employ the constabulary for the purpose of suppressing illicit distillation, would not it be sufficient that they should stop the person, and only interfere where he had no permit at all?

If they only interfered where there was no permit at all, no doubt their services would be very valuable; but I think, in conformity with the writer of that letter, that their services would be much more valuable if they were allowed to indorse the permit.

2274. Do you mean their services would be more valuable, inasmuch as they would do more than merely exert themselves for the suppressing of illicit distillation?

Yes.

2275. *Chairman.*] But the object being to use them solely for the purpose of repressing illicit distillation, would not that object be attained by their merely inquiring and seeing whether there was a permit?

No, I think not; the system is not new to us. I hold in my hand "A Return of the number of Permits indorsed by the Revenue Police in the year ended 5th of July 1853," which shows 189; the number indorsed during the last 12 months by Excise officers was about 20,000. We have found that since the system has been adopted, it is rather a recent introduction; we have thereby imposed the most serious impediments to the transit both of illicit spirits and of overstock.

2276. That second suggestion, with respect to the permit, is intended not to act

act upon the illicit distiller; but where the spirit was merely removed out of stock by the licensed distiller?

It is intended to operate on the transit of spirits generally. In the north of Ireland there is a great deal of illicit distillation. In the south it would operate generally upon the overstock.

2277. In relation to the marking the permit, though the searching *in transitu* would operate on both, the marking the permit would only act upon the overstock of the licensed distiller?

Yes; there would be a possibility of detection if it were used.

2278. Earl of *Wicklow.*] In point of fact, I presume it is your opinion, that it would be employing the constabulary in a description of duty, independently of the duty of assisting in suppressing illicit distillation?

It would be employing them upon a duty that would indirectly prevent illicit distillation.

2279. It would prevent fraud, but not illicit distillation?

That depends upon the part of Ireland we speak of.

2280. *Chairman.*] The one would prevent the fraud of the licensed distiller, and the other of the unlicensed manufacturer?

Yes.

2281. Earl of *Wicklow.*] I want you to distinguish between using this force for illicit distillation, and using it generally for the purposes of promoting the revenue?

I so intended.

2282. *Chairman.*] Do you not think that any state of the law or local circumstances in Ireland, which increases the temptation to fraudulent distillation by increasing its profit, as an increased duty or a low price of grain, always produces a state of things that requires greater precaution and greater exertion on your part in suppression of illicit distillation?

No doubt of it; and when the Government did me the honour to consult me respecting the additional duty, the advice I gave on the subject was regulated by the assumption that the Revenue Police would be preserved intact; and that their numbers, which are below the authority which we have from the Treasury, would be filled up; and I also hoped for the support of the constabulary in the spirit of the recommendations I have ventured to make.

2283. Did you contemplate in those recommendations any proposal for the amalgamation of the two forces, or any transfer of these duties from your own force to the constabulary?

Certainly not; and the subject was not new to me, because the whole matter was brought fully under my consideration by Lord Naas, then Secretary for Ireland; and I was requested by Sir Charles Trevelyan at the Treasury to let him have copies of all the papers and memorandums that had passed upon the subject; but I have never seen any, even plausible, reasons for the abolition of the force, or for its combination. It works well at present—very well. It costs a small sum of money, a very small sum, in comparison with that of the coast-guard and the revenue at stake; and I have never heard any suggestion for this very material change; and especially a change at a time when, if possible, our hands ought to be strengthened, instead of any experiments being made that might not possibly eventually succeed.

2284. Earl of *Wicklow.*] This third recommendation, with regard to stopping spirits *in transitu*, would that require the alteration of any Act of Parliament?

I think it would.

2285. *Chairman.*] You are aware that there are three separate statutes which prohibit the constabulary from interference in revenue matters?

Yes.

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2286. Is there any other question to which your attention has been directed, in regard to which you consider that the constabulary might be made use of?

I think that they might be made exceedingly useful by visiting mills and kilns. There are in Ireland 3,208 mills, and 4,968 kilns, as follows:

Collections.	Number of Mills.	Number of Kilns.
Athlone	429	623
Bandon	158	252
Belfast	198	213
Birr	206	264
Coleraine	244	391
Cork	124	199
Drogheda	46	91
Dublin	75	93
Galway	284	633
Limerick	130	159
Londonderry	27	74
Naas	239	291
Newry	352	523
Sligo	261	509
Waterford	163	249
Wexford	272	404
Total	3,208	4,968

Our calculation is, that out of the 400 Excise officers that we have in Ireland, if they had not the duty to discharge of visiting mills and kilns, 150 of them might be spared. That is entirely independent of the visits to mills and kilns by the Revenue Police in such parts of the country as we have that force.

2287. Therefore that economy would be effected?

Yes.

2288. Does that return comprehend the whole of Ireland?

It comprehends the whole.

2289. Therefore, in viewing this return, although the illicit distillation prevails but in a small portion of Ireland, the mills are generally distributed over the whole of Ireland?

Over the whole of Ireland.

2290. That of course does not comprehend the illicit mills and kilns which are in the mountains in the distillery districts, and most frequently in combination with the distiller?

By law every mill and every kiln in Ireland must be registered, and that return of course comprehends only the registered mills and kilns.

2291. But those small mills and kilns in the mountains are never registered?

I think they are more generally registered than you suppose. Many of them are erections which you might pass by and not even notice.

2292. Is not the kiln almost as simple and moveable an erection as the still itself?

Almost; and such kilns being mere temporary erections are not registered.

2293. This

2293. This is purely a revenue question?
Purely a revenue question.

2294. If the constabulary visited them, what would you have them do; suppose your own officer to visit any one of those 3,208 mills, what are his duties when he does so visit them?
It is his duty to visit them and see what they are doing upon them. If they are making malt upon the kiln, he has to see that it is malt which is to pay the duty; and if it be malt which is smuggled, of course he is to destroy it. But those kilns are very often in very remote places, and it is very dangerous for a single officer to visit them, and it is a duty they shrink from exceedingly.

2295. What duties would you propose the constable should perform if he went to that mill?
I would have him visit, and the mere circumstance of his visiting the kilns or the mills, or the knowledge that he might visit them, would prevent a great deal of illicit malting.

2296. But if he had no authority to seize, and no power of judging whether the malt or the grain was illicit or was legal, would not a peasantry, like the Irish, necessarily very soon know that it was a *Telum imbelle sine ictú*, and regard it as of no consequence?
It would give them an opportunity of informing us what was going on, and lead to a good result.

2297. Lord *Stanley* of Alderley.] But what are the duties you would have the constabulary perform in visiting those mills?
I would have them visit those mills and record their visits, and if they found anything illegal, that would be part of the information they would communicate.

2298. *Chairman.*] If you did not give to the constabulary a power far more stringent than that of merely visiting a mill, such visit not leading to any penal consequences in case of delinquency, might not a process so weak operate rather as a deadening of the power, exertions and authority of your Excise officers, and afford a cover and colour to fraudulent practices?
Our Excise force is so exceedingly small, having only 400 officers, that the mills and kilns go in a great degree unvisited, and therefore I am afraid a number of illegal practices are carried on.

2299. Your officers have the means of knowing what the illegal practices are, of detecting them and punishing them; but if the constabulary have the power of visiting without a knowledge of what constituted illegal practices, all that power of punishing or visiting would go for nothing?
I think the power of visiting would prove a salutary check.

2300. Earl of *Wicklow.*] You have stated that it is a dangerous operation which your men have an objection to?
Yes.

2301. What would be the result to the constabulary patrols where they only go in two, or at the utmost three?
Our men go singly.

2302. Then you think that what would be dangerous to one man might without any danger be practised by two?
Yes, in many instances.

2303. Your own man, though single in his operations, has functions to execute, he can seize that which is illegal, and knows what he is about, and he holds an Excise warrant or commission?
Yes.

2304. Do you think that those functions that you concede to your present officers could be executed without that Excise commission?
No, I do not think they could; I think that if the constable were furnished with an Excise commission, and thereby put in full possession of the powers of an Excise officer, that his time would be occupied, and it would be a very dangerous plan; but if it were known to the country people that it was a part of their duty to visit mills and kilns, and to report on them, it would have a very beneficial effect.

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2305. If there were no danger to your officers and they visited, not with their present power and authority, but if they were merely to visit and record that they had visited, and that nothing more was to come of it, would much good arise from the Excise visits under such circumstances?

If the excisemen were equal in numbers to the constabulary, the mere fact of visiting would have an effect; but we are only 400, and the constabulary are 13,000.

2306. The question refers to a mere visit, without any power of seizing or punishing, or bringing before magistrates?

I answered, presuming that to be the fact.

2307. *Chairman.*] Do you not think there would be great difficulty in employing the constabulary in reference to an economical object which is recommended, as a saving to the Excise establishment, and in merely employing the constabulary to visit some 8,000 kilns and mills, without any power of detecting or punishing any illegal acts?

Their power would not be nearly so effective as that of the Excise, but it would have a very material effect, I think.

2308. Earl of *Wicklow.*] What would you have them do when they visited?

I would have them report according to these forms.

2309. They visit a mill, and they see it at work; but they do not understand or know whether the malt they see there is legally or illegally there?

Just so.

2310. Then what would they do in consequence of having gone to that mill and looked at it?

They would report to head quarters in these terms, in answer to this question, "Are there any persons in your district known to the police to be in the habit of illegally manufacturing malt or illicitly distilling?"

2311. How could they answer that, if they could not discover themselves whether that malt was legally or illegally there?

It is illegal to manufacture malt except in a licensed place.

2312. Then your object seems rather to be to ascertain what mills there are that are unlicensed?

And also, whether there are any mills at work grinding malt, because the third question, as proposed by Sir Duncan M'Gregor, is this, "Is any illicit distillation now going on in your district, either by the preparation of such distillation, or by stills at work, or is any grain preparing for the illicit manufacture of malt?" The preparation is steeping; and then there is the malting, and then the drying off on the kiln, and lastly the grinding at the mill.

2313. *Chairman.*] Does not the answer to this question much turn upon the construction of the Excise law, which would determine the fact whether the manufacture carried on was illegal or not?

No; manufacture of malt or any preparation for the manufacture of malt, is legal, unless it be carried on in what are called entered premises; the malt-house must be entered; the mill or the kiln in which the other preparations go on (the finishing being on the kiln); the grinding of the malt, after it is so finished, is at the mill where that is illegal, unless the premises be entered or registered.

2314. Earl of *Wicklow.*] Then if the premises were known to the constabulary to be entered and registered, do you think it would be necessary for them to visit there?

I think it would be as well for them to do so.

2315. What object would be attained by their visiting a mill which they knew to be registered and entered?

The constabulary are supposed, and I believe do know very well the character and occupation of almost every individual in Ireland, and if they visited mills and kilns they would have an additional opportunity of knowing what were the pursuits and occupations of different individuals better than they have at present. They would find that one peasant brought so many bags of his malt to be ground; that another brought so many quarters of steeped grain to the kiln to be

be worked off, and then they would of course give information to the Revenue Police, and the Revenue Police would have their eye upon those people, knowing that they had made preparations for illegal practices; at the same time, this is only one recommendation amongst others. I attach much more importance to the escort of prisoners, to the stopping of spirits in transit, and indorsing the permits.

2316. Viscount *Canning*.] Would your recommendation go the length of requiring the constable to ascertain from the owners of the different kilns who the parties were for whom he was malting?

I do not think it would; I think their visiting would prevent the thing altogether.

2317. Earl of *Wicklow*.] Should you approve of their going any distance from the high road, and their usual beats, in order to inspect those mills?

I would not interfere in the least with the discipline prescribed by the Chief Inspector of constabulary; if it was all in their way, let them do it; if it was out of their direct road, I would by no means interfere.

2318. Do you suppose that fourth recommendation could be carried into effect without the alteration of an Act of Parliament?

I do not think it could.

2319. There is no other recommendation with regard to the employment of the constabulary which occurs to you?

None that occurs to me at present.

2320. *Chairman*.] Have you made any calculations with respect to the expenses of making illicit spirits, and the profit resulting from it?

I have consulted some of our practical officers, who have been long in Ireland, and I have made a memorandum, which is the result of the information given me, and I believe it is substantially correct; it is as follows: "Expenses of making illicit spirits: grain, 16*s*., yeast, 6*d*., utensils, 1*s*., fuel 6*d*.; 18*s*.: deduct grains and wash, 1*s*.; 17*s*. Taking the produce on an average of seven gallons of proof spirits per barrel will give a cost per gallon, 2*s*. 5*d*. The barrel of grain in Ireland consists of four bushels; the price taken as an average is 14*s*., allowing 2*s*. in addition for cost of malting and risk of loss by detection; the expense of yeast, utensils and fuel, taken as attaching to each making of a barrel of grain into spirits, may be said to be nominal, except for the risk of loss by seizure."

2321. Earl of *Wicklow*.] Is it your belief that it is cheaper to make the illicit than the legal spirit?

I believe that the expenses are very much greater in the making of illicit spirits than the spirits at a licensed distillery; because there is much greater economy of labour and fuel in the latter case. The profit of the illicit distiller is in the evasion of the duty; but I believe not only is the spirit of the licensed distiller much better, but that, taking strength for strength, it may be generally had at a cheaper price.

2322. *Chairman*.] Then the greater the amount of the duty, the greater the bounty upon evading it, and the greater the benefit to the distiller?

Yes.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned *sine die*.

APPENDIX.

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APPENDIX.

Appendix A.—(No. 1.)

A STATEMENT of the present Force of the Revenue Police in Ireland, showing the Stations, and the Number of Officers and Men at each, and the Estimated Expense.

STATIONS.	NUMBER of PARTY.	NUMBER OF		ESTIMATED EXPENSE.		
		OFFICERS.	MEN.	£.	s.	d.
Lanesboro'	1	2	13	524	8	1
Learmount	2	2	13	527	18	–½
Kinnegad	3	2	10	566	14	10¾
Letterkenny	4	2	11	556	17	3¾
Moville	5	2	11	588	14	2¾
Malin	6	2	11	473	9	11
Bunrana	7	2	10	438	3	2½
Ballaghadereen	8	2	11	473	14	2
Churchhill	9	2	11	471	14	–½
Bellaghy	10	2	12	545	19	8
Carrigart	11	2	11	602	5	3¼
Creeslough	12	2	11	460	15	2
Dungloe	13	2	11	464	13	10¼
Ardara	14	2	11	600	17	8¾
Kilcar	15	2	11	465	11	10½
Donegal	16	2	11	472	10	–½
Ballyshannon	17	2	12	628	7	8¾
Ederny	18	2	11	608	15	9¼
Newbliss	19	2	13	615	16	4¼
Mountfield	20	2	12	500	3	–½
Killeter	21	2	12	487	15	10½
Stranorlar	22	2	11	475	19	1
Rosnakill	23	2	10	445	18	8½
Dohanybridge	24	2	11	473	1	2¾
Guidore	25	2	14	557	3	10¾
Sligo	26	2	13	524	18	6
Drumkereen	27	2	12	477	11	6½
Black Lion	28	2	13	518	7	7¾
Brookborough	29	2	12	493	–	9
Drumshambo	30	2	12	488	10	1½
Mohill	31	2	13	631	11	2¼
Boyle	32	2	14	551	6	6½
Swinford	33	2	14	550	12	7½
Belmullet	34	2	12	502	15	5
Ballycastle	35	2	14	536	13	8
Castlerea	36	2	11	558	15	4¾
Castlebar	37	2	14	653	10	8¾
Oughterard	38	2	14	555	16	2
Killaloe	39	2	14	686	17	–¾
Portumna	40	2	14	561	13	8
Shrade	41	2	11	467	7	4¼
Crusheen	42	2	14	565	8	4½
Galway	43	2	14	651	16	10¾
Manorhamilton	44	2	13	633	17	11¾
Garvagh	45	2	13	548	16	–½
Grange	46	2	12	501	7	8½
Skreen	47	2	12	497	5	4½
Ballymote	48	2	12	600	10	–¾
Plumbbridge	49	2	12	503	7	--
Belturbet	50	2	13	521	10	11
Athlone	51	2	13	544	12	7
Ballina	52	2	13	521	4	6
Tuam	53	2	14	564	5	9½
Bangor Erris	54	2	13	542	3	7¼
Newtown Forbes	55	2	14	542	13	5½
Londonderry	56	2	12	507	17	7½
Carlow	57	2	15	577	17	10
Maryborough	58	2	13	606	18	7¼

Appendix A.

A STATEMENT of the present Force of the Revenue Police in Ireland, &c.—*continued.*

STATIONS.	NUMBER of PARTY.	NUMBER OF OFFICERS.	NUMBER OF MEN.	ESTIMATED EXPENSE. £. s. d.
Kilrush	59	2	14	547 2 6
Bailieborough	60	2	14	548 10 9½
Castle-Blayney	61	2	13	543 16 6½
Cookstown	62	2	12	607 12 5¾
Tubbercurry	63	2	14	551 5 5
Crossmolina	64	2	14	675 16 8¾
Borrisoleigh	65	2	14	563 7 2½
Roundstone	66	2	14	556 10 -½
Augher	67	2	13	528 - 1
Pontoonbridge	68	2	13	538 18 3¾
Athleague	69	2	13	524 11 8
Granard	70	2	11	473 7 6
Newport-Pratt	71	2	13	548 18 9½
Rathmullen	72	2	12	492 4 -½
Dublin	Depôt	7	49	2,921 12 6¾
		151	947	41,840 6 7
Estimated Expense of Clothing, Stores, &c.				1,100 - -
Ditto, Gratuities to disabled and discharged Men				750 - -
			£.	43,690 6 7

Inland Revenue Office, London,
13 July 1853.

APPENDIX A.—(No. 2.)

A STATEMENT of the present FORCE of the REVENUE POLICE in each County in IRELAND, showing the STATIONS, and the Number of OFFICERS and MEN at each, and the Estimated Expense.

COUNTIES.	STATIONS.	NUMBER of PARTY.	NUMBER OF OFFICERS.	NUMBER OF MEN.	ESTIMATED EXPENSE. £. s. d.	ESTIMATED EXPENSE in each COUNTY. £. s. d.
Carlow	Carlow	57	2	15	577 17 10	577 17 10
Cavan	Black Lion	28	2	13	518 7 7¾	
	Belturbet	50	2	13	521 10 11	
	Bailieborough	60	2	14	548 10 9½	1,588 9 4¼
Clare	Killaloe	39	2	14	686 17 -¾	
	Crusheen	42	2	14	565 8 4½	
	Kilrush	59	2	14	547 2 6	1,799 7 11¼
Donegal	Letterkenny	4	2	11	556 17 3¾	
	Moville	5	2	11	588 14 2¾	
	Malin	6	2	11	473 9 11	
	Buncrana	7	2	10	438 3 2½	
	Churchill	9	2	11	471 14 -½	
	Carrigort	11	2	11	602 5 3¼	
	Creeslough	12	2	11	460 15 2	
	Dungloe	13	2	11	464 13 10¼	
	Ardara	14	2	11	600 17 8¾	
	Kilcar	15	2	11	465 11 10½	
	Donegal	16	2	11	472 10 -½	
	Ballyshannon	17	2	12	628 7 8¾	
	Stranorlar	22	2	11	475 19 1	
	Rosnakill	23	2	10	445 18 8½	
	Dohanybridge	24	2	11	473 1 2¾	
	Guidore	25	2	14	557 3 10¾	
	Shrade	41	2	11	467 7 4¼	
	Rathmullen	72	2	12	492 4 -½	9,135 14 8¼

A STATEMENT of the present Force of the Revenue Police in Ireland, &c.—*continued.*

COUNTIES.	STATIONS	NUMBER of PARTY.	NUMBER OF OFFICERS.	NUMBER OF MEN.	ESTIMATED EXPENSE. £. s. d.	ESTIMATED EXPENSE in each COUNTY. £. s. d.
Dublin	Dublin	Depôt	7	49	2,921 12 6¾	2,921 12 6¾
Fermanagh	Ederny	18	2	11	608 15 9¼	
	Brooksborough	29	2	12	493 – 9	1,101 16 6¼
Galway	Portumna	40	2	14	561 13 8	
	Oughterard	38	2	14	555 16 2	
	Galway	43	2	14	651 16 10¾	
	Tuam	53	2	14	564 5 9½	
	Roundstone	66	2	14	556 10 –½	2,890 2 6¼
Leitrim	Drumkereen	27	2	12	477 11 6½	
	Drumshambo	30	2	12	488 10 1½	
	Mohill	31	2	13	631 11 2¼	
	Manorhamilton	44	2	13	633 17 11¾	2,231 10 10
Londonderry	Ballaghy	10	2	12	545 19 8	
	Garvagh	45	2	13	548 16 –½	
	Learmount	2	2	13	527 18 –½	
	Londonderry	56	2	12	507 17 7½	2,130 11 4½
Longford	Newton Forbes	55	2	14	542 13 5½	
	Granard	70	2	11	473 7 6	1,016 – 11½
Mayo	Ballaghadereen	8	2	11	473 14 2	
	Swinford	33	2	14	550 12 7½	
	Belmullet	34	2	12	502 15 5	
	Ballycastle	35	2	14	536 13 8	
	Castlebar	37	2	14	653 10 8¾	
	Ballina	52	2	13	521 4 6	
	Bangor Erris	54	2	13	542 3 7¼	
	Crossmolina	64	2	14	675 16 8¾	
	Pontoonbridge	68	2	13	538 18 3¾	
	Newport-Pratt	71	2	13	548 18 9½	5,544 8 6½
Monaghan	Newbliss	19	2	13	615 16 4¼	
	Castle-Blayney	61	2	13	543 16 6½	1,159 12 10¾
Queen's County	Maryborough	58	2	13	606 18 7¼	606 18 7¼
Roscommon	Boyle	32	2	14	551 6 6½	
	Castlerea	36	2	11	558 15 4¾	
	Athlone	51	2	13	544 12 7	
	Athleague	69	2	13	524 11 8	
	Lanesborough	1	2	13	524 8 1	2,703 14 3¼
Sligo	Sligo	26	2	13	524 18 6	
	Skreen	47	2	12	497 5 4½	
	Ballymote	48	2	12	600 10 –¾	
	Tubbercurry	63	2	14	551 5 5	
	Grange	46	2	12	501 7 8½	2,675 7 –¾
Tipperary	Borrisoleigh	65	2	14	563 7 2½	563 7 2½

A STATEMENT of the present Force of the Revenue Police in Ireland, &c.—*continued.*

COUNTIES.	STATIONS.	NUMBER of PARTY.	NUMBER OF OFFICERS.	NUMBER OF MEN.	ESTIMATED EXPENSE. £. s. d.	ESTIMATED EXPENSE in each COUNTY. £. s. d.
Tyrone - - -	Plumbbridge - - -	49	2	12	503 7 –	
	Cookstown - - -	62	2	12	607 12 $5\frac{3}{4}$	
	Augher - - - -	67	2	13	528 – 1	
	Mountfield - - -	20	2	12	500 3 $-\frac{1}{2}$	
	Killeter - - - -	21	2	12	487 15 $10\frac{1}{2}$	
						2,626 18 $5\frac{3}{4}$
Westmeath - -	Kinnegad - - -	3	2	10	566 14 $10\frac{3}{4}$	
						566 14 $10\frac{3}{4}$
			151	947	- - -	41,840 6 7
	Estimated Expense of Clothing, Stores, &c. - - -					1,100 – –
	Ditto - Gratuities to disabled and discharged Men - -					750 – –
					£.	43,690 6 7

Inland Revenue Office, London,
13 July 1853.

APPENDIX A.—(No. 3.)

A STATEMENT showing the Total Number of OFFICERS and MEN employed in the REVENUE POLICE in IRELAND, and the TOTAL EXPENSE in each Year, from 1824 to 1852.

YEARS.	NUMBER OF OFFICERS.	NUMBER OF MEN.	TOTAL EXPENSE. £. s. d.
1824 - - -	70	462	25,602 – 6
1825 - - -	70	428	27,327 10 1
1826 - - -	76	459	25,379 13 5
1827 - - -	76	458	30,408 15 5
1828 - - -	76	468	21,713 13 9
1829 - - -	76	492	26,159 16 10
1830 - - -	114	584	26,502 18 11
1831 - - -	114	584	25,894 11 8
1832 - - -	118	604	30,418 12 11
1833 - - -	134	791	35,010 16 11
1834 - - -	131	800	39,015 5 7
1835 - - -	143	878	39,191 4 3
1836 - - -	143	902	45,172 12 4
1837 - - -	146	913	41,701 15 9
1838 - - -	137	815	41,308 5 6
1839 - - -	140	918	47,882 5 3
1840 - - -	134	831	42,095 7 8
1841 - - -	151	842	42,571 11 2
1842 - - -	150	893	40,920 – 6
1843 - - -	153	931	44,709 14 2
1844 - - -	147	912	41,408 6 3
1845 - - -	146	893	45,627 14 9
1846 - - -	147	912	43,079 3 7
1847 - - -	151	910	42,373 16 5
1848 - - -	152	908	45,636 2 2
1849 - - -	152	915	47,406 11 2
1850 - - -	156	911	43,893 1 –
1851 - - -	150	907	43,276 4 –
1852 - - -	151	947	43,904 18 9

The expenses of the steamer belonging to the Inland Revenue are not included in the above Return, because, although chiefly employed, particularly during the winter months, in aid of the operations of the Revenue Police, she has enabled the Board entirely to dispense with the service of the three cruizers formerly employed on the coasts of Ireland, Scotland, the Hebrides, and Orkney Islands.

The annual average expense of the cruizers was upwards of 5,500 *l.*

The annual average expense of the Revenue steamer is about 2,600 *l.*

Inland Revenue Office,
13 July 1853.

Appendix A.—(No. 4.)

A STATEMENT of Expenditure in Ireland, under the following Heads:

YEARS.	EXPENSES of suppressing Illicit Distillation. (*a*)	EXPENSES incurred on unproductive Seizures and Prosecutions. (*b*)	REWARDS for Detections, Informations, &c. (*c*)	EXPLANATION.
	£. s. d.	£. s. d.	£. s. d.	
1824	22,750 16 11	—	—	(*a*) The "Expenses of suppressing Illicit Distillation" consist of rewards paid for the arrest of prisoners, being generally 2*l.* 2*s.* each; the rewards paid for seizures of illicitly made malt at the rate of 2*s.* per bushel; and for illicit spirits at a rate not exceeding the duty. These rewards are now paid under the authority of the Lords of the Treasury.
1825	35,422 13 3	—	—	
1826	35,408 14 5	—	—	
1827	20,016 10 6	—	—	The large sums so expended in the early years include payments to the military when assisting the Revenue Officers in this duty. It is also to be observed, that the rates of payment were considerably higher than since the passing of the Act 1 & 2 Will. 4, c. 55, regulating rewards, and consolidating the Laws relating to illicit distillation in Ireland.
1828	14,977 9 9	—	—	
1829	10,446 1 2	—	—	
1830	8,897 17 4	—	—	
1831	2,938 1 5	—	—	
1832	3,944 11 –	—	—	
1833	1,074 – 6	—	—	(*b*) The "Expenses incurred in unproductive Seizures and Prosecutions" are those of proceedings in which there are no penalties recovered or seizures made, or when the penalties recovered or proceeds of seizures are not sufficient to pay the expenses.
1834	3,858 14 8	2,323 12 6	—	
1835	4,270 18 7	2,318 18 10	—	
1836	4,725 17 7	2,620 18 11	—	These were formerly paid out of the Crown's share of penalties; but in consequence of an opinion given by the Solicitor, that this course was not consistent with the Act 7 & 8 Geo. 4, c. 53, it was discontinued, and expenses of this nature have since been paid out of the general revenue.
1837	2,938 4 3	2,413 9 –	—	
1838	2,251 14 7	1,591 2 –	—	
1839	800 13 8	1,182 13 5	—	
1840	447 7 11	1,119 17 10	—	(*c*) "Rewards for Informations and Detections." This head of expense arises under the Act 11 & 12 Vict. c. 121, which took away from Officers of Excise the shares of penalties and seizures to which they had been previously entitled; and the Lords of the Treasury have, on the recommendation of the Board, from time to time granted rewards to meritorious officers, for their exertions in detecting and prosecuting offenders against the Revenue Laws.
1841	398 2 6	1,081 17 7	—	
1842	593 12 8	678 19 7	—	
1843	2,191 1 10	1,172 11 8	—	
1844	1,485 5 1	1,424 – 5	—	
1845	878 7 1	529 9 4	—	
1846	507 7 5	772 11 5	—	
1847	226 19 10	1,128 10 2	—	
1848	1,916 4 4	695 11 –	—	
1849	1,770 1 9	528 12 8	1,117 17 9	
1850	3,072 15 8	613 3 10	1,018 5 4	
1851	2,459 8 7	1,122 17 1	1,328 15 –	
1852	1,108 17 1	511 5 8	883 12 8	

Inland Revenue Office,
13 July 1853.

Appendix A.

APPENDIX A.—(No. 5.)

RATES of PAY, REVENUE POLICE, IRELAND.

	£.	s.	d.	
Inspector	341	12	6	per annum.
Second Inspectors - each	170	–	–	ditto.
Sub-Inspectors - each	150	–	–	ditto.
Lieutenants, at 6 *s.* 6 *d.* per day - each	118	12	6	ditto.
Sub-Officers, 1st Class, 3 *s.* 6 *d.* per day - each	63	17	6	ditto.
Ditto - 2d Class, 2 *s.* 6 *d.* per day - each	45	12	6	ditto.
Serjeants, 1 *s.* 10 ½ *d.* per day - each	34	4	4 ½	ditto.
Privates, 1st Class, at 1 *s.* 5 *d.* per day - each	25	17	1	ditto.
Ditto 2d Class, at 1 *s.* 3 *d.* per day - each	22	16	3	ditto.
Superintendent of Depôt, at 5 *s.* per day	91	5	–	ditto.

London, 1 August 1853.

CL. MACLACHLAN,
Colonel, Chief Inspector.

APPENDIX A.—(No. 5 *a.*)

EXPENSE of the COAST GUARD FORCE in IRELAND, for the Year ended 5th January 1853.

£. 120,652. 9. 6.

NUMBER of OFFICERS and MEN employed in the COAST GUARD in IRELAND, for the Year ended 5th January 1853.

PROVINCE.	OFFICERS.	MEN.	TOTAL.
ULSTER - - - - -	31	428	459
LEINSTER - - - - -	30	239	269
MUNSTER - - - - -	37	447	484
CONNAUGHT - - - -	14	240	54
	112	1,354	1,466

Coast Guard Office, Customs,
29 July 1853.

EDM. OMMANNEY.

Appendix A.—(No. 6.)

RETURN, showing the Area, Population, Number of Parties and of Men of Revenue Police, and Cost; together with the Number of Constables and Sub-Constables of the Parliamentary Establishment, in each Province and County in Ireland.

		Area, Statute Acres.	Population, 1851.	Parties of Revenue Police.	Number of Police.	Estimated Expense of Police.	Number of Parties.	Constables and Sub-Constables, Parliamentary Establishment.
						£.		
Leinster:	Carlow	221,292	68,059	1	17	577	21	151
Number of Parties of Revenue Police, 6.	Dublin, County, Depôt	222,709	146,731	1	56	2,921	37	231
	Dublin, City	300,592	258,361	—	—	—	—	—
	Kildare	418,415	95,688	-	-	-	45	250
	Kilkenny, County	506,333	138,773	-	-	-	60	410
	Kilkenny, City	921	19,973	-	-	-	2	—
	King's County	493,018	112,080	-	-	-	53	319
	Longford	257,221	82,350	2	29	1,016	29	191
	Louth	200,955	90,812	-	-	-	38	224
	Drogheda	440	16,845	—	—	—	—	—
	Meath	578,247	140,750	-	-	-	51	324
	Queen's County	424,853	111,623	1	15	606	41	356
	Westmeath	433,768	111,409	1	12	566	48	282
	Wexford	573,199	180,159	-	-	-	42	240
	Wicklow	499,894	98,978	-	-	-	35	190
Munster:	Clare	768,264	212,428	3	48	1,799	55	400
Number of Parties of Revenue Police, 4.	Cork, County	1,836,654	563,326	-	-	-	132	612
	Cork, City	2,265	85,745	-	-	-	12	100
	Kerry	1,159,355	238,339	-	-	-	40	168
	Limerick, County	660,898	208,688	-	-	-	94	387
	Limerick, City	2,074	53,448	-	-	-	9	80
	Tipperary	1,048,968	331,487	1	16	563	149	1,030
	Waterford, County	455,772	138,754	-	-	-	38	149
	Waterford, City	532	25,297	-	-	-	5	70
Ulster:	Antrim	709,691	352,264	-	-	-	39	224
Number of Parties of Revenue Police, 34.	Belfast, Town	4,081	100,300	—	—	—	—	—
	Armagh	312,327	196,085	-	-	-	28	145
	Cavan	466,260	174,071	3	46	1,588	39	400
	Donegal	1,186,456	255,160	18	237	9,135	45	176
	Down	611,130	328,754	-	-	-	44	224
	Fermanagh	417,735	116,007	2	27	1,101	26	181
	Londonderry	510,420	191,868	4	58	2,130	16	96
	Monaghan	318,733	141,813	2	30	1,159	24	145
	Tyrone	778,543	255,734	5	71	2,626	29	150
Connaught:	Galway, County	1,499,209	298,136	5	80	2,890	93	704
Number of Parties of Revenue Police, 29.	Galway, Town	22,420	23,695	-	-	-	—	65
	Leitrim	376,212	111,841	4	60	2,231	40	311
	Mayo	1,321,281	274,612	10	151	5,544	49	274
	Roscommon	585,406	173,417	5	74	2,703	60	447
	Sligo	451,085	128,510	5	73	2,675	31	191

Number of Revenue Police in the Four Provinces.

	Number of Parties.	Number of Men.
Leinster, excluding Depôt	5	119
Munster	4	64
Ulster	34	469
Connaught	29	438

Note.—The extra Constabulary Force in Ireland amounts to 1,517 Constables and Sub-constables: of this, there are stationed in Munster, and supported partly out of County Rate:

Cork, County	319
Cork, City	10
Kerry	59
Limerick	254
Tipperary	89
Waterford	100
	831

Appendix A.—(No. 7.)

AN ACCOUNT of the Seizures and Expenses of the Revenue Police, under the following Heads, in each of the last Five Years.

	YEARS				
	1847.	1848.	1849.	1850.	1851.
Quantity of Illicit Spirits seized - - - *gallons*	226	574	727	1,133	482
Value of same - - - £.	96 19 10	246 6 10	312 – 1	486 4 11	206 17 2
Quantity of Malt seized *bushels*	3,446	8,103	10,971	16,321	11,059
Quantity of Potale - *gallons*	19,555	65,233	69,609	92,470	70,592
Number of Prisoners arrested in the act of Illicit Distillation -	323	789	1,148	971	638
Number of Persons summoned for breach of the Revenue Laws relating to Illicit Distillation and Malting - - - - -	90	219	235	201	124
Number committed - - -	55	132	158	129	90
Amount of Penalties imposed £.	516 – –	947 10 –	1,078 – –	875 – –	756 2 6
Amount of Rewards paid Revenue Police; viz.:					
For Seizure of Spirits - £.	14 3 4	67 8 8	67 6 4	107 4 –	91 10 10
For Seizure of Malt - £.	25 8 –	295 11 –	214 19 6	777 16 6	718 7 –
For Seizure of Potale - -	No fixed Rewards allowed for these services; any special rewards granted by the Treasury are included under the head of "Rewards," inserted below.				
For Seizure of Stills - -					
Rewards for Arrests - - £.	129 19 7	1,528 13 4	1,464 1 11	2,066 18 3	1,608 1 11
Expenses of Revenue Police £.	44,283 10 4	47,441 17 1	48,276 19 2	46,776 7 7	43,424 17
Rewards - - - - £.	117 10 5	213 16 10	445 6 –	471 13 –	625 19 –
Gratuities - - - - £.	534 11 10	687 19 8	761 16 –	241 13 3	808 14 2
Pensions - - - - £.	408 9 4	385 5 4	419 4 3	379 3 6	388 5 1
Loss by destruction of Grain -	Cannot be ascertained, as the greater portion of illicit Malt is destroyed, in consequence of not being worth the Duty.				

From the facilities afforded by the country, and the inclination of the people to illicit practices, there can be little doubt that a considerable part of the Duty on Spirits would be lost to the Public Revenue, unless there existed a strong force to keep private distillation in check.

The unarmed Surveying Officers, who assess the Duties, are totally inadequate to cope with illicit distillation; and therefore, before the institution of the Revenue Police Force, the Surveying Officers were assisted by the Military, to whom large rewards were paid for this service.

Increase to Revenue by suppression of Illicit Distillation -

The Police Force was first instituted in the year 1818, and was then confined to a small district, where illicit distillation was most prevalent; and having been found to succeed, has gradually been extended to nearly the whole of Ireland.

The Revenue derived from Home-made Spirits consumed in Ireland, in the last year, was £. 1,006,735.

It is impossible to state by how much of this sum the Revenue is increased by the suppression of illicit distillation; but it may be confidently asserted, that without a powerful check upon illicit practices, a very much less amount of Revenue would be derived from the Spirit Duty in Ireland.

The accompanying statement will show the services of the Revenue Police during the last 20 years.—*See* App. G. p. 284.

Inland Revenue Office, 13 November 1852.

Appendix A.—(No. 8.)

A RETURN of the Annual Expense of Salaries and Allowances of every Description to Officers and Men employed in the Revenue Police in Ireland; the Expense of Clothing them, and Travelling Expenses; in the Year ended 5th January 1845.

	REVENUE POLICE, IRELAND.		
	Salaries and Allowances to Officers and Men.	Expense of Clothing.	Travelling Expenses.
	£. s. d.	£. s. d.	£. s. d.
Year ended 5th January 1845 -	37,632 5 11	1,198 12 1	201 7 11

Excise Office, London, 25 January 1845.

Appendix A.—(No. 9).

ANALYSIS of Convictions before Justices of the Peace in Ireland for Illicit Distillation, &c., in each Year from 1836 to 1844 inclusive.

YEARS	Number of Cases of: Illicit Distillation.	Illicit Malting.	The Possession of Illicit Spirits.	The Possession of Illicit Malt.	Persons having Utensils for Illicit Distillation.	Persons having Utensils for Illicit Malting.	Making Signals, obstructing Officers, &c.	Total.	Amount of Penalty Imposed.	Amount of Penalty Paid.	Number of Cases in which the pecuniary Penalty was not Paid: Where the full Term of Imprisonment was suffered.	Where mitigated at the Recommendation of Magistrates.	Where mitigated by the Board on account of Illness, &c.	Where mitigated by Order of the Lords of the Treasury.	Where the Parties Absconded or Died.	Where paid in Part, and Imprisoned for Remainder.	Number of Cases recommended by Magistrates and others for further Mitigation, not granted by the Board.
									£. s. d.	£. s. d.							
1836 -	263	139	297	126	43	16	10	894	5,813 10 –	1,176 12 6	567	37	29	8	57	48	76
1837 -	191	133	168	90	35	31	10	658	4,241 – –	742 – –	431	20	19	25	24	26	59
1838 -	173	72	161	88	38	8	13	553	3,547 – –	614 10 –	389	12	21	8	10	28	37
1839 -	62	48	68	20	20	3	7	228	1,579 – –	336 15 –	142	11	10	3	7	11	22
1840 -	79	25	48	11	7	10	10	190	1,482 – –	217 – –	108	4	14	12	7	16	20
1841 -	49	17	79	56	14	3	1	219	1,566 – –	276 – –	126	4	16	10	6	16	19
1842 -	183	89	142	36	24	3	18	495	3,079 – –	441 – –	363	5	9	35	5	20	60
1843 -	404	133	324	116	82	16	38	1,113	8,540 10 –	1,085 10 –	786	15	26	66	19	50	144
1844 -	209	43	115	46	22	3	25	463	3,026 10 –	383 10 –	296	18	14	25	14	25	65

Excise Office, London, 22 May 1845.

Appendix A.—(No. 10.)

AN ACCOUNT of the Number of Cases in which the Sentences of Persons convicted for Offences against the Laws for the Suppression of Illicit Distillation have been Remitted in each of the Three last Years.

	Number of Cases in which the Sentences of Persons convicted have been partially or wholly Remitted: Under the Authority of the Lords of the Treasury.	Under the Authority of the Commissioners of Inland Revenue, in consequence of Illness, Old Age, &c.	TOTAL.
Years ending 5th April - - - - 1849 - - -	704	29	733
1850 - - -	432	13	445
1851 - - -	406	21	427

Inland Revenue Office, Broad-street, 20 June 1851.

L. S. Lyne, A. & C. G.

Appendix B.

Appendix B.

REVENUE POLICE, IRELAND.

COMPLAINT against Lieutenant Bowerman, and the Men under his Command, 1832-33.

Gentlemen, Dublin Castle, 14 September 1832.

A complaint having been made to the Lord Lieutenant by Mr. D. J. Wilson, of Six-mile-bridge, in the county of Clare, of the conduct of a party of revenue police, and his Excellency having directed Mr. Vignoles, the superintending magistrate of the peace preservation police of that county, to investigate the affair; and having received and submitted his report for his Excellency's consideration; I am directed by his Excellency to send you the enclosed letter from Mr. Wilson, together with Mr. Vignoles' report, with his request that you will cause an immediate and strict investigation to be made into the conduct of the party complained of, and also into the doubtful conduct of Lieutenant Bowerman upon the investigation, who has charge of the party of police in question. His Excellency requests to be made acquainted with the result of the inquiry, with respect to which he feels the more interested, as it is such conduct as this that brings the police establishment of this country into disrepute.

I have, &c.

The Commissioners of Excise, &c. &c. &c. (signed) Wm. Gosset.

P. S.—I request you will have the kindness to return the several papers.

Belvoir, Six-mile-bridge, County Clare, 31 July 1832.

Sir,

I take leave to inform you, that a complaint was made to me, on Saturday last, of the conduct of a party of revenue police, who were passing by this place on their way to Killaloe.

A complaint was also made to the Rev. Mr. Butler, the vicar of Killeily, of the same party, after their leaving this.

The charges made against them are, that they entered houses on pretext of searching for whiskey; that they knocked about the furniture, broke some articles, insulted and abused the inmates in the grossest manner, drank their milk, struck one woman who opposed them, and presented a gun at another, who said they deserved to be punished for such conduct.

I regret to add, that on my communicating with the officer commanding the party on the subject, he evinced no disposition to have the men who were charged with this conduct identified; and the sergeant and two of the privates were certainly not very respectful. Should an investigation be ordered, and I do not hesitate to say it is called for, I would suggest "Broadford," being the most central situation between the accusers and accused, as the place at which it should be held.

I have, &c.

To Sir Wm. Gosset, &c. &c. &c. (signed) D. J. Wilson.

Sir, Ennis, 21 September 1832.

I have the honour to return the enclosed letter from D. J. Wilson, Esquire, and beg, with reference to the subject of it, to state that, having arranged with Mr. Wilson to meet him on Saturday last, at Broadford, I accordingly proceeded there for the purpose of inquiring into the conduct of the revenue police, as complained of, and now beg to submit to you the following report:—

It appears that a party of revenue police, under their officer, Lieutenant Bowerman, had been on duty on the night of the 27th of July, in the neighbourhood of Six-mile-bridge, and that they had made some seizures; that on the morning of the 28th, on their return to Killaloe, where they were stationed, three of the men detached themselves from the main body, as Mr. Bowerman states, without his knowledge or order, and commenced a search, as they stated, for illicit spirits in the houses on and in the neighbourhood of the road.

During

During this unauthorized search, some violence was committed by two of the men, some trifling damage done, and some ill-language and abuse used by them towards the country people, especially towards a woman named Elizabeth Sullivan, wife of a person in the employment of Mr. Wilson, to whom she, Elizabeth Sullivan, made complaint of the misconduct of these two men. Mr. Wilson immediately followed the party, and having overtaken them, reported the circumstance to the officer, Mr. Bowerman, requesting that the men might be halted and paraded, to be identified by the woman; but this Mr. B. refused to do, and the serjeant of the party, William Armstrong, in the presence of his officer, made use of the following expression: "If she wants to know who the men are, let her find them out;" and that expression remained unnoticed by Mr. Bowerman, although Mr. Wilson called his attention to it. Another woman, Ellen Mason, also complains that she was assaulted by two of the revenue police, belonging to Mr. Bowerman's party, on the same day; that they demanded drink of her, which she said she had not to give them; whereupon one of the two desired the other to go into the house and break everything in it; and the woman states that one of these men made a thrust at her with his bayonet, which pierced her cloak, and a bundle she had on her back, but without doing her further injury. This woman also states that she went to Mr. Bowerman, and complained to him of the conduct of his men, demanding of him their names, which he at first refused to give; but that afterwards, upon her saying that she knew who he was, and would report him, he did give her two names, Brown and Barclay; and further said, that he would fine the two men each two days' pay. These two men are, by all the complaints, represented as being under the influence of liquor. Several other persons appeared to make complaints against the revenue police, so far as regarded violence of manner, and the using of abusive language. Ellen Mason further states, that the sergeant of the party, William Armstrong, told her, that if she persisted in her complaint against the two men, that there was a man in whose house he, Armstrong, had found whiskey, and that he would drag him into Ennis gaol, and fine him 5 *l.*; and one of the party drew his ramrod, and putting it into the barrel of his carbine, to show that it was loaded, swore that if she said a word he would have her life.

The Rev. Mr. Butler saw the police on the 28th July, and was induced, from the manner and appearance of two of them, who were straggling in the rear, to remark what a lucky thing it was that the country was now quiet, as, were it otherwise, the men could not have passed with safety through it in their then state. These men appeared to Mr. Butler to be in a state of intoxication. A man named John Lee met Mr. Butler, and complained to him of the violent conduct of the revenue police. Ellen Macmurdo states, that she pointed out the two persons whose conduct was most violent to Mr. Bowerman; and Mr. Wilson says, that he told Mr. B. it was his duty to endeavour to discover the parties complained of, and that he evinced not the slightest inclination to do so; but that, calling the sergeant, he asked him if he knew who the two men were? upon which the sergeant made use of the expression, "If she wanted to know who they were, let her find them out." And Mr. Wilson adds, that the manner of the sergeant was most insolent and disrespectful, and that the conduct of the whole party was disorderly and insubordinate in the highest degree.

Having called upon Mr. Bowerman to offer something in refutation of the charges made against him and his party, he produced two men, who both denied any knowledge of the transaction whereon the complaints were grounded, or of the parties most particularly complained against. Mr. B. admitted that two men were pointed out to him, and that he did give their names; but denies having given the names of Brown and Barclay, as he has no such men belonging to his party. He says that he gave the name of Bracken as one, but cannot recollect who the other was, although he admits that he was pointed out to him, and that he said he would fine him two days' pay: this he acknowledges he did not do. It is remarkable that the man Bracken, admitted by Mr. Bowerman to be one of the two men pointed out to him, is now in gaol, charged with murder; and it is equally remarkable that the name of his companion should have escaped the memory of Mr. Bowerman, although he admits that he had been identified in his presence; and that he, Mr. Bowerman, had told his name to the woman complaining against him.

I cannot, consistently with a sense of my duty, refrain from stating that the conduct of Mr. Bowerman during the investigation was not such as led me to believe him actuated by a desire to bring the persons offending to punishment; so far from it, he appeared to me and to the gentlemen with me much more anxious to prevent our ascertaining who they were; and I cannot remove from my mind the impression that he had it in his power to have made their names known to us, had he been so inclined. The conduct of the sergeant, William Armstrong, was also most disrespectful.

I have, &c.

Sir W. Gosset, K. C. B. (signed) J. Vignoles,
Chief Magistrate.

Honourable Sirs, Limerick, 19 October 1832.

In obedience to your Honour's order of the 21st ultimo, transmitting the copy of a complaint from D. J. Wilson, Esquire, of Belvoir, county of Clare, together with the report of Captain Vignoles, chief magistrate, as made by him on an investigation of the said complaint:

We beg to state, that having given Mr. Wilson notice, and fixed Wednesday the 17th instant, at Six-mile-bridge, for holding the inquiry, the parties attended accordingly; and, after having given the most patient investigation to the witnesses adduced for two days

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(the 17th and 18th instant), we beg to transmit the depositions, and to observe thereon as follows:

It would appear that, on the 28th of July last, some irregular conduct took place on the part of one of the policemen at the gate-house of Mr. Wilson, the residence of Elizabeth Sullivan, and that a small bottle and a glass were broken (value about 1*s.*); but no other injury appears to have been done beyond the disturbing of some articles of furniture from their position, occasioned by the search.

The attack on Ellen Mason we consider improper, but no damage appears to have been done; and the policeman putting his bayonet into the bundle of hay on her back might have been done to try if it concealed any vessel or any thing illicit; some alarm might have been occasioned to the women (Ellen Mason and her mother), but this does not appear to have been great, as they continued to follow the party.

It would have been better if Lieutenant Bowerman had halted the party when requested by Mr. Wilson, to afford the parties an opportunity of identifying the men; but some allowance is to be made for the situation in which Lieutenant Bowerman was placed, he having been on constant duty from nine o'clock the night before (15 hours), and must have travelled, he and his men, 25 to 30 miles; and they having a cart with considerable seizures in possession, and, in a country where the inhabitants are inimical to the authorities, Lieutenant Bowerman may have considered it imprudent to stop, as his doing so would have caused the collecting of the country people to the spot, either from curiosity or other cause.

This, in our humble opinion, is the chief cause of complaint, as Mr. Wilson has taken it up as a want of courtesy or respect to him on the part of Lieutenant Bowerman, and that he (Lieutenant Bowerman) wished to screen his men from punishment.

We humbly conceive, that though the party did not separate beyond the reach of assistance from their comrades, still, that if a proper authority had been exercised by Lieutenant Bowerman and the sergeant, this occurrence would not have taken place, and that from the trifling damage done, and Lieutenant Bowerman supposing the matter would not have been prosecuted further, he did not exert himself as he otherwise should to discover the men who offended.

We would respectfully call your attention to the discrepancy in the testimonies of Lieutenant Bowerman and Sergeant Armstrong; the former states that from his recollection, and having been informed by Sergeant Armstrong that the two policemen who appear to have misconducted themselves, as stated by Ellen Mason, were Hugh Bracken and Thomas Perry; and Sergeant Armstrong states, that he knew but one man (Hugh Bracken).

We know nothing of the disrespectful conduct of Sergeant Armstrong at the time of the inquiry before Captain Vignoles, but from Mr. Wilson, who says that Sergeant Armstrong appeared to question the authority of Captain Vignoles to examine or to interrogate him upon oath; and that he did not evince a desire to identify the policeman until Captain Vignoles swore him, when he acknowledged to one of the men who attacked Ellen Mason (Hugh Bracken), but denied any knowledge of the other, in which he still continued in his examination before us.

We have, &c.

(signed THOMAS O'FLAHERTY, Collector.
SAND GRAVES, Inspect. Rev. Police.

The Commissioners of Excise,
&c. &c. &c.

DEPOSITIONS taken before THOMAS O'FLAHERTY, Collector of Excise of Limerick Collection, and SAMUEL GRAVES, Inspector of Police, on an Investigation held at Six-mile-bridge, on the 18th and 19th October 1832, into the Conduct of Lieutenant BOWERMAN and some of his Party, No. 42, Revenue Police, stationed at Killaloe, on the Complaint of D. J. WILSON, Esquire, of Belvoir, and as represented by Mr. VIGNOLES, Chief Magistrate of Police at Ennis.

ELIZABETH SULLIVAN, produced as a witness by D. J. Wilson, Esquire, being examined, saith, she lives at Belvoir, near the residence of Mr. Wilson, of said place; that on the 28th of July last, about noon, two of Lieutenant Bowerman's party of police came into her house, and asked her did she sell liquor; she replied she did not; and one of the two men said she lied, she did; he then took an empty bottle that was on the dresser, and knocked it against a pier of the gate, and broke it; she then requested of him not to break any more of her things, and that she would refer him to her master, Mr. Wilson; that she never sold liquor; and he used some indelicate language in reply, such as that Mr. W. and she might kiss his ——; and on her endeavouring to prevent him from breaking a small glass, he gave her a stroke of his fist on her hand, and she then sat down; the other policeman was by while the above took place; he was examining the house for liquor; after this the two men went out; a third man came in and lit his pipe, and went away without doing anything further; he did not molest her. Saith, that on Mr. Bowerman, the officer of the party, passing her door immediately after, she went to him, and complained of the conduct of the two men; when the sergeant of the party desired her to hold her tongue, as he would take his oath she sold liquor to himself the week before, and that he would have her fined five pounds. Further saith, that she would know the man that broke the bottle and glass if she saw him again.

(Here the party who were out on that day were paraded, with the exception of one man,

Hugh

Hugh Bracken, who is a prisoner in Ennis gaol; and on her examining them), she saith, that the man who broke the bottle and glass was not among those paraded; and that she could not identify the second man who was in her house, but could the man who lit his pipe, and then pointed him out, whose name is James Magan; he left her house with the other two men. Saith, that there was another woman, named Mary Heffernan, in the house, who had some conversation with the men; and after Lieutenant Bowerman passed her house, this woman said to one of his party who was in the rear, that Mr. Wilson would strip him of his jacket; on which he presented his gun at Mary Heffernan, but did not fire, or say anything to either of them. Neither Mr. Bowerman or the sergeant saw any part of this transaction, that is, of the presenting of the gun. She did not go to complain of the party, but sent her daughter to him. Saith, she never saw the sergeant of the party to her knowledge before the day in question, and positively asserts that she never sold any liquor to the sergeant.

D. J. Wilson, Esquire, saith, that on the 28th of July last the daughter of the foregoing witness came to him at his house in a state of great agitation, and informed him that a party of police had abused her mother in a very gross manner, and broke some articles in the house, and knocked the furniture about; in consequence of which he followed the party, and on coming up to them, he stated to the officer that he was a magistrate of that county, although he had not then taken out his commission; and informed him that a complaint was made to him, Mr. Wilson, of an outrage committed by some of his party at a house immediately at his gate; to which the officer, Mr. Bowerman, replied, that they were authorized to search; he, Mr. Wilson, then said, if they were authorized to search, they were not authorized to commit any outrage. Mr. W. continued, and informed Lieutenant Bowerman that he never allowed any illicit spirit-selling on any part of his property; that he always set his face against such illegal practices; to which Lieutenant B. replied, that he had information that spirits were selling in that house, on which Mr. W. asked this officer who his informant was; and that Mr. Bowerman answered, that he was not in the habit of giving up the names of those from whom he received informations. Further saith, that he asked the lieutenant to identify the men who went into Elizabeth Sullivan's house, and was answered, that he did not know them. Mr. W. then informed Mr. Bowerman, that as a magistrate he would feel it his duty to report the circumstance; on which Lieutenant B. called the sergeant of the party, and said that this gentleman is a magistrate, and wants to know the names of the men who went into E. Sullivan's house; the sergeant, who was on horseback, turned about in an insolent manner and said, that if she wanted to know who they were, she might find them out. On which Mr. Wilson asked Mr. Bowerman which of the two was the commanding officer, as from the sergeant's manner he appeared to have the most authority. Mr. W. again repeated his remonstrances to have the men identified, but without effect. Saith, that there were three or four of the party in liquor, and two of those who appeared in liquor spoke in a very disrespectful manner to him; on which Mr. Bowerman (being called on by Mr. W.) directed them to desist, or that he would suspend them. Saith, that he then went to the owner of the house, husband to Eliza Sullivan, in order to ascertain positively whether there ever was any spirits sold in his house, charging him in the strongest manner not to deceive him; and being in the most positive manner assured that there never was a drop sold in that house, he returned with Sullivan to the party; and on Sullivan's asserting that he never sold any spirits, Mr. Bowerman said to him that it was well for him. Saith, that he again urged Mr. Bowerman to halt the party, in order to identify the men, and that he would send for the woman to do so; to which Mr. Bowerman replied, that he then had seizures in charge of the party, and that it was contrary to his orders to halt the party when in charge of seizures. Further saith, that as proprietor of the place, and as a magistrate, he offered to guarantee the safety of the party and seizure; but Mr. Bowerman would not stop. Saith, that he conceived at the time, and still is of opinion, that from the conduct altogether of both the lieutenant and the sergeant, they were indisposed to give up the names of the men complained of.

Ellen Mason, produced by Mr. Wilson, saith, that she lives at Woodfield, about two miles from Belvoir; recollects the day the revenue police passed Belvoir by Woodfield, about the end of July last. Saith, that she passed a party of police; and about seven-eighths of a mile after this party passed her, two policemen, who remained after the above-named party, asked her mother for a drink, and her mother said she had no drink for them; one of the men said to the other to go and ransack the house, and not to leave anything that he would not break: the man went in and searched the house, he broke nothing, nor done any injury. Saith, that on her attempting to go into the house, she was stopped by one of the two men, who ran his bayonet through her cloak into a small bundle of hay she had on her back; the bayonet did not penetrate her, but she felt it; she turned to run away, when she was threatened with the bayonet; it was when she was running away he ran the bayonet through her cloak. Saith, that on calling on her mother to go and report the men to the officer, the man who was after searching the house turned on her, and presented his gun at her; first putting the ramrod into the gun to show it was loaded, and swore that he would drive what was in the gun through her heart if she gave him any impudence. Saith, that he continued to present the gun at her whatever way she turned. Saith, that the man who stuck the bayonet through her cloak followed her mother from her own house to her son's house. Saith, her mother was running, and the policeman after her; and she saw him endeavour to push in the door, after her mother had got into the house and closed the door. Saith, that they did not get into her brother's house. Saith, they then returned to

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the party with which their officer was; she followed them, in order to complain of their conduct to the officer; being afraid to go the road she went through the fields. Saith, that she complained to the sergeant, who went to the officer to inform him of the circumstance, on which the officer came to her, and asked her where the men were against whom she complained; she answered, that they were searching a small house on the road-side, and immediately near hand; on which the officer went back, and brought with him the men; and on her making her complaint, they told the officer that they found a bottle of whiskey with her, and produced the bottle; she then demanded the names of the men complained of, to which the officer said he would not give the names as required; on which she said to her mother, who followed her, and in hearing of the officer, that she knew his name, and that it would answer as well; to which the officer said, that one of the men's names was Batley, and the other Browne; is positive he gave her those names; he then said he would fine each man two days' pay, if she would have it so; she answered, that she would not, but that she would get satisfaction. Saith, the sergeant then came up, and said, what satisfaction was it for her to have them punished; and that if she went any farther he would take the man with whom they found whiskey to Ennis gaol, tied; and she answered, she did not care ———— the man, as she was determined to have revenge. Saith, that she and her mother then went home. Says, that the officer and men that passed her on the road first were very quiet, and appeared sober, but that the two men who remained behind, of whom she complained, appeared in liquor. Says, that when the man asked her to go into the house and bring him a drink, she conceived he meant a drink of milk; but she is certain he did not mean spirits; she says, she thinks if her mother had milk in the house she would give them a drink, as she never refused any one, and as they appeared in liquor she was unwilling to let them into the house. She says, she cannot now, to any certainty, point out the two men, she was at the time so agitated; and likewise the men were then dirty and tossed, and are now clean; but that she pointed out the two men to the officer at the time.

Mary Heffernan, the woman that was in the house of Sullivan, and alluded to by Eliza Sullivan, the first witness examined, was now brought forward by Mr. Wilson, and examined by him. She saith, that she lives at Belvoir, near Ellen Sullivan's; recollects the day the police came into E. Sullivan's house, last summer. Says, she recollects E. Sullivan's daughter being followed into her mother's house by some of the police; cannot say how many, whether it was two or three, but that a good many were outside the gate, some of them leaning on the gate; but all the party was not up at the time, but came up immediately after; one of the men who went into the house was very violent, and broke a bottle and glass, and tossed about many other things; and gave E. Sullivan a stroke on the hand. Saith, that when the officer came up, Eliza Sullivan went out to complain of the men; she got no satisfaction. Witness told them that they were a parcel of blackguards, and that Mr. Wilson would bring them to an account; and was answered by one of the party's saying, that Mr. Wilson might kiss his ——; he then presented his gun at her, and she went off.

(James Magan was here brought forward, and identified by witness as the man who used the above words, and that presented the gun at her). Witness now further saith, that she heard the sergeant of the party say to E. Sullivan, that she sold liquor, and that he got it from her some days before; she thinks he said the Sunday before; she says, she called out E. Sullivan, and desired her to complain to the officer who was then coming up; she considered that the greatest part of the men were drunk; she says that none of the party said anything to her but Magan.

Mr. Wilson now stated, that he had no more witnesses to produce; and Lieutenant Bowerman was called on.

Lieutenant G. Bowerman examined, and says, that on the 28th of July last, he was proceeding from Six-mile-bridge on to Killaloe, the station of the party, with a full seizure made by them on the morning of that day, about four or five o'clock, and on passing by Mr. Wilson's gate at Belvoir, a woman (he believes the first witness examined) called to him and complained of some of the men of his party, who acted then very improperly; but not knowing at the time anything of the circumstance, he passed on, merely asking the woman whose place that was. Mr. Wilson shortly afterwards rode up to the party, and made inquiry as to the ill-conduct of some of the men, as stated by him in his evidence; but he does not recollect having told Mr. Wilson that there was an information against E. Sullivan's house; and he does not think he said so, as if he had such information he would consider it his duty to search the house himself; he said, that he refused Mr. Wilson as to stopping the party, in consequence of having a seizure to protect, and his orders went to that effect; and he states, that it was not out of any disrespect to Mr. Wilson that he refused to halt, in order to identify the men, but he conceived it would be wrong to do so; he says, that after passing Mr. Wilson, two men of the party dropped a little behind, and a woman, named Ellen Mason (the second witness examined), came up to the party, and complained of the two men, as stated in her testimony; when he saw, on looking back, the two policemen coming up towards him, and brought them up to the woman; and told her that he would fine the men two days' pay if she would drop it; the two men's names who came up were Hugh Bracken and Tom Perry.

Mr. Wilson here examined Lieutenant Bowerman.

Q. Had you, in fact, any information against Sullivan's house?

A. I had not.

Q. Do you recollect giving me an answer to a question of mine, that you were not in the habit of giving up the names of your informers?

A. I have no recollection of giving any answer of the kind.

Q. Did you not admit, before Captain Vignoles, that you had made such an answer?

A. I don't think I did.

Q. Do you recollect Captain Vignoles asking you to what question of Mr. Wilson's you gave that reply, namely, that you was not in the habit of giving up your informer?

A. I do not.

Q. Are you perfectly sure that the two persons now given by you were the persons pointed out and complained of by Ellen Mason?

A. I am certain that Bracken was one, and I believe Thomas Perry to be the second.

Q. How could you know what two men to fine, if you were not certain of their names?

A. I must have been certain at that time, but, conceiving the matter over, it afterwards escaped my memory.

Q. Why did you think the business was over?

A. Because I did not hear anything further about it.

Q. Did you give this reason to Captain Vignoles for not fining the men?

A. I do not recollect.

Q. Did you give the two names you now state to Captain Vignoles when you were examined by him?

A. I do not recollect giving him any names, as I stated that I did not recollect the names at the time.

Q. Is it on the sergeant's recollection you now give down the names?

A. I think it is.

Q. Was it before or after the investigation at Broadford before Captain Vignoles the sergeant gave you the names of the two men?

A. I do not recollect which.

Q. Can you be positive whether you had any conversation with the sergeant before the investigation at Broadford, as to the identity of the two men?

A. I cannot say whether it was before or after.

Q. Was the substance of Ellen Mason's testimony as to her conversation with you correct?

A. I believe it was, with the exception of the two names stated by her, which I did not give her, as I had no such names in the party under my command.

Q. Did you give her any names?

A. I think I did not; but said I would fine the men if she gave up the business, and I then passed on.

Q. Did you refuse the names when asked?

A. I said I would fine the men; but I do not recollect whether I refused the names or not.

Ellen Mason, being again brought forward, persists in saying, that Lieutenant Bowerman refused giving the names until she said she knew his name, and that then he gave her the names of Batty and Brown; she says she is positive as to the names.

Serjeant Armstrong examined, says, he recollects the 28th of July last: when passing Belvoir he was on horseback; he saw a woman come up to Lieutenant Bowerman, but as he did not hear what was said, he cannot state what occurred between them. Says, that some short time after passing his gate, Mr. Wilson overtook them, and said he wanted to speak to the officer, as some of his people had broken a bottle; to which he replied that it was the first he heard of it; and Lieutenant Bowerman then came up, and asked him, the sergeant, whether he knew the men who acted in the manner complained of; and he replied that he did not, as he heard nothing of it until Mr. Wilson complained; and he then said, that it would be well to bring up the woman, and perhaps they could ascertain. He further saith, that he told Mr. Wilson, if he knew the men he would point them out; and he says, the women were not brought up, and the party proceeded on. Saith, that on going forward about two miles, a woman came up to him (he believes it was Ellen Mason), one of the witnesses examined, and said that two of the party abused her; on which he called Lieutenant Bowerman, and informed him of the circumstance; Lieutenant Bowerman asked her which of the men it was, and she pointed out two men as those whom she charged with acting improperly. Another woman then came up to join in making the complaint, and with whom he got into conversation, and, therefore, does not know what Lieutenant Bowerman said to the first woman; the last woman said to him, that one of his men thrust his bayonet into some hay she had on her back, looking for whiskey; he asked her which of the men had done so; and she pointed at one of the men, whose name is Hugh Bracken; she said he did not stab her, or cut her in any way. Witness then advised the women, as they were not hurt, to drop the matter, as it was not worth while going further with it; and that Lieutenant Bowerman would punish the men; immediately after this conversation the party marched on. Says, to his knowledge, he had no conversation with E. Sullivan at Mr. Wilson's gate; and does not recollect having said that E. Sullivan sold him whiskey; is positive that he never did get any spirits at her house; and if she said that he made such

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a charge, she said wrong, as far as he can recollect. Witness further saith, he has already sworn before Captain Vignoles that he could not identify the second man pointed out to Lieutenant Bowerman by E. Mason, as he went among the other men while his attention was called to the second man coming up. Says, he might have denied to Captain Vignoles, before he was sworn, at the investigation at Broadford, his having any knowledge of the names of either of the men that attacked Ellen Mason, but don't recollect it. Says, he does not know whether the man was punished that he identified, but he was, in two or three days after, sent to Ennis gaol for another offence.

Here Mr. Wilson requested that Bridget M'Namara should be examined, as to the expressions stated by Ellen Mason to be used by the sergeant, threatening to bring the man to Ennis gaol.

Bridget M'Namara examined, and states, that the sergeant told Ellen Mason, in her presence, that if she did not give up the business, he would bring the man with whom he got the whiskey into Ennis gaol; she is positive as to this fact; and further saith, that she did not say to the sergeant that it was searching for whiskey the man was, who run the bayonet into her daughter's cloak; there was no mention made about whiskey; the sergeant mentioned to her, that if he was there, he would not allow anything of the kind to occur.

James Magan, one of the privates of the police party, examined. Says, that he recollects the 28th of July last. Says, that on that day he went into a house at the gate leading into Mr. Wilson's, of Belvoir, when his party was passing by the gate, in order to light his pipe. Says, that one of the men of his party was arguing with a woman at the door, and inside the gate; the man's name is Hugh Bracken; he saw no other man at the door, or in the house, at the time; he ran a little before his party, who were guarding the seizures made, in order to light his pipe; he was near his party, and within call of them; he took no notice of nor did he see any other person of the party but Hugh Bracken in the house. Says, he took no notice of anything, but lit his pipe and went out, as he was afraid lest the officer should see him going in.

The inquiry and depositions closed here; and the party was ordered to return to its proper station.

Sir, 23 November 1832.

I am directed by the Commissioners of Excise to acquaint you, for the information of his Excellency the Lord Lieutenant, agreeably to his Excellency's request, signified by your letter of the 14th ultimo, transmitting the accompanying letter of Mr. D. J. Wilson, complaining of the conduct of Lieutenant Bowerman, and a party of revenue police under his command; together with the Report of Mr. Vignoles, superintending magistrate of the peace preservation police of the county of Clare, whom his Excellency had directed to investigate the affair; that a further and strict investigation of the conduct of the parties complained of has, by order of this Board, been made by two of their principal officers; and the depositions taken by them in the presence of Mr. Wilson. From the report of these officers it appears that, on the 28th July last, as Lieutenant Bowerman and his party were returning to their residence, after having been actively employed the whole of the preceding night and the principal part of that day in the suppression of illicit distillation, during which period they had made several considerable seizures, which they were removing to a place of safety, two of the party, named Hugh Bracken and Thomas Perry, separated themselves from the other men, and went into the lodge, or gate-house, belonging to Mr. Wilson's residence, but occupied by Elizabeth Sullivan; where Hugh Bracken attempted to make a search, as he alleged, for illicit spirits; in doing which, he broke a small bottle and a glass, and displaced some of the furniture of the room; Elizabeth Sullivan hereupon complained to Mr. Wilson, who followed the police party, and on coming up with it, requested Mr Bowerman the officer to halt the men, in order that Elizabeth Sullivan might identify those who had entered her house. Mr. Bowerman, it appears, declined halting his men, alleging that he had seizures in his care, which he was desirous of removing with all possible despatch, so as to prevent any rescue that might be attempted on the part of the peasantry; and there are grounds for believing that the lieutenant and the sergeant of the party did not behave towards Mr. Wilson in so respectful a manner as they would otherwise have done.

With regard to the complaint made by Ellen Mason, it appears that one of the policemen examined a bundle, said to be hay, which she carried at her back, in order to ascertain whether any illicit spirits were concealed therein, it being a common practice to conceal spirits in this manner; and although this examination was made in a very improper way, yet it does not appear that any violence was offered, or that the party sustained any injury from it.

The foregoing particulars came out on the examination of Elizabeth Sullivan, Mary Heffernan and Ellen Mason, who were produced by Mr. Wilson; but no evidence was produced relative to the complaint stated in Mr. Vignoles' report to have been made by John Lee to the Rev. Mr. Butler.

From the facts and circumstances of the case, as appeared on the investigation, the violence complained of was principally, if not wholly, occasioned by the improper conduct of private Hugh Bracken, who has since been removed from the service. The conduct of Lieutenant Bowerman and Sergeant Armstrong was, however, not free from blame; the former in not paying

paying greater respect to Mr. Wilson, and affording him such reasonable information as he required, as well as not giving a more clear and satisfactory answer to the questions subsequently put to him by Mr. Vignoles; and the latter, for his disrespectful behaviour on the occasion. It must, however, be observed, that the lieutenant and sergeant have been but a short time in their respective stations; that the peasantry of the country in which they are employed are greatly addicted to the private distillation and sale of spirits; and that there are always found persons ready to render them assistance in their opposition to the revenue laws. To the inexperience of the lieutenant, and to the impression which he and the sergeant had on their minds, that Mr. Wilson's object was to make out a case against them, and as well as to the doubts which they entertained that the investigation of Mr. Vignoles was *ex parte* if not altogether unauthorized, may be attributed the want of respect manifested by them on the first occasion to Mr. Wilson, and the unsatisfactory answers given on the investigation made by Mr. Vignoles.

The police parties are strictly enjoined to perform their frequently unpleasant and very harassing duty in a peaceable manner, and to avoid giving any just cause of complaint to any person. The attention of Lieutenant Bowerman and Sergeant Armstrong has been particularly called to these instructions; and they have been strictly cautioned to be more circumspect in their conduct in future.

I am, &c.

(signed) J. C. Freeling.

Colonel Sir William Gosset, K.C.B.

Gentlemen, Dublin Castle, 14 January 1833.

I am directed by the Lord Lieutenant to transmit a letter from Mr. Wilson, the gentleman who lately preferred a complaint against Lieut. Bowerman, and the party of police under his command, and on which you reported on the 23d of November last.

The accompanying report from Mr. Vignoles refers to the same subject; and I have received his Excellency's commands to express his desire that you would reconsider the various statements on this matter, especially Mr. Vignoles' opinion, on which, from the knowledge his Excellency has of this gentleman, he implicitly relies.

I have, &c.

The Commissioners of Excise, &c. &c.

(signed) Wm. Gosset.

Belvoir, Six-mile-bridge, County Clare,

Sir, 9 December 1832.

In consequence of my absence from home, I had not, until yesterday, the honour to receive your letter of the 30th ultimo, accompanying a report from the Commissioners of Excise, on the subject of the complaint I felt it my duty to make against Lieut. Bowerman, and a party of revenue police under his charge, and stating his Excellency's hopes that I should feel satisfied with what had been done.

With the course pursued by his Excellency I feel perfectly satisfied, but with the report of the Commissioners I am not and cannot be satisfied, for I look upon it (to speak in the mildest terms) as an attempt to gloss over the highly improper conduct of the police and officer in charge of the party, instead of being, what I conceive it ought, a brief yet accurate statement of the facts adduced in evidence, and an unbiassed comment upon those facts; I shall, as far as my memory serves me, now take leave to give you a principal portion of the evidence, that you may judge how far I am warranted in the observations I have made.

On the 28th of July, about one o'clock, two revenue policemen climbed over my back gate, and entered the house of Patrick Sullivan; one of them charged his wife with selling whiskey; she denied it; on which he took an empty bottle off her dresser, went outside the door, and dashed it against the wall. She remonstrated; said her master would not permit her to sell whiskey, and that she would complain of this conduct to him; he told her (using most gross language) that she and her master might kiss his ——; behaved in a very outrageous manner; took a wine-glass, and dashed it against the ground; and on her getting between him and the dresser, to prevent his doing further mischief, struck her. On another woman saying they deserved to be well punished for such conduct, a gun was presented at her. The officer, who with the rest of the party now came up, on being complained to, afforded (as was afterwards admitted by himself) no redress; but the serjeant told Mrs. Sullivan to hold her tongue, or he would have her fined 5 *l.* for selling him whiskey the Sunday previous; he afterwards admitted, on the investigation, that she never had sold him any whiskey.

On Sullivan's daughter complaining to me, I proceeded after the party; gave Mr. Bowerman my card, and told him who I was, and of the complaint made to me; he said the police were authorized to search; but while I admitted this, I supposed it was when they had information, and observed that it should be done in a proper manner; that I did not think he had information in this case, as I set my face against illicit distillation, or the sale of spirits on my property; he said he had information against that house, at which I expressed

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much surprise, and inadvertently asked the name of his informer; his answer very naturally was, that he was not in the habit of giving his informants' names. I asked the names of the men who had entered Sullivan's; he did not know them; he asked the sergeant, at my suggestion; his answer was, "If she wants to know them, let her find them out." I requested Mr. Bowerman to halt the party for a short time, until Mrs. Sullivan would come up to identify the men, but he refused, saying he had a seizure. I offered to guarantee his safety (I was then in the midst of my property, and the county in a state of perfect tranquillity), but he still refused. I here make no comment on the manner of the officer, sergeant and some of the men who were in liquor.

After proceeding about a mile and a half, two of the party insisted on some women giving them a drink, but on their declaring that they had none, the men insisted on searching the house for whiskey, and one of them (Ellen Mason) disputing their authority, was pursued, and while in the act of running away, a stab was made at her with a bayonet, which penetrated her cloak, a bundle of hay she had under it, and touched her back, but did not enter it, or, as she expressed herself, "she felt it, but it did not hurt her." Another woman had a gun levelled at her; and on her making some observation as to its being loaded, the man drew the ramroad, put it into the piece, and held his fingers to the top of it (the woman described this, but did not know what it meant). One of the women proceeded after the party, identified the men, complained to the officer, and demanded their names; he refused them; but on her threatening to report him, he gave the names, Brown and Batley (it does not appear there were any men of those names in the party), and promised he would fine them two days' pay each. The sergeant had previously said, that if she made any more work about it, he would lodge a man, with whom some whiskey had been found that morning, in Ennis gaol. This man was no connexion of the woman, and lived half a mile from her house.

The Rev. Mr. Butler, passing in his gig, saw two of the men in liquor, and remarked to his servant, that it was a good proof the country was in a peaceable state, or those two men would not be long left their arms. This occurred subsequently to my remonstrating with Mr. Bowerman on the conduct of his party, and the attack upon the two last-mentioned women; shortly afterwards they came up to Mr. Butler, and made their complaint to him.

On the 1st of August, a man of this party, while on duty near Killaloe, fired without orders, and shot a woman; he was allowed to effect his escape, but being taken, was tried at the last assizes of Ennis, and convicted of manslaughter; and so aggravated did the case appear, that the Judge sentenced him to transportation for life, and afterwards declared he would have received a verdict for murder; the Crown counsel had previously refused to allow a plea of manslaughter. The name of this man was Hugh Bracken; the same who entered Sullivan's house, and subsequently thrust his bayonet at Ellen Mason, and whom the Commissioners describe as being "since removed from the service."

At the investigation before Captain Vignoles, Sergeant Armstrong denied he knew either of the men who had been identified; on being sworn, he admitted Bracken was one of them. Lieutenant Bowerman declared he did not recollect either of them; admitted he had promised to fine two men, but did not know who they were, nor did he fine any men; he also admitted that he had no information of whiskey being sold at Sullivan's house, though he told me had. The sergeant, at the investigation before the officers of Excise, persisted that he knew but one of the men, Bracken; while Lieutenant Bowerman admitted he then recollected the names of both; on being questioned as to what refreshed his memory, it appeared is informant was the sergeant.

It must evidently appear, from the foregoing statement (the substantial accuracy of which I pledge myself to), that the privates of the police were guilty of highly improper conduct; and that the person in charge of them, instead of controlling them, and affording redress to the aggrieved parties, on complaining, threatened the parties in some instances, and in all refused the names of the men misconducting themselves.

Had Mr. Bowerman, on the complaint of Mrs. Sullivan, and my remonstrance, reprimanded his men, and kept them together (which, after what had occurred, he was doubly bound to do), the outrage would not have been committed upon Ellen Mason; and had he punished or suspended those men, as I contend he ought to have done, it being their second offence upon that day, instead of screening them by resorting to such means as he did, the life of the unfortunate woman, who was shot by one of these men three days afterwards, might have been spared, and the man himself not (as now) an alien from his country.

I have to apologise for trespassing at this length upon your valuable time; but the (what I do not hesitate to term) most partial report of the Commissioners has compelled me to it. It was neither my wish, nor that of the persons who complained, to proceed further against the men; but the course pursued by Mr. Bowerman and the sergeant I looked upon as so disreputable, however lightly the Commissioners and their officers may think of it, that I determined to follow the matter up; but if it be the opinion or the wish of his Excellency that it should rest here, I most willingly accede; it is only what is due to him from me. I engaged in this affair solely upon this ground, that as I endeavoured to enforce a strict obedience to the laws from my tenantry and neighbours, I feel the more bound to afford them protection when they have just cause to complain.

I have, &c.

(signed) D. J. Wilson.

The Commissioners would have his Excellency to believe that it was the fear of a rescue prevented Lieutenant Bowerman from halting his party for a few moments, until Mrs. Sullivar

livan should come up; if Mr. Bowerman had any such fear, his allowing his men to straggle about the country was not the best mode of being prepared to resist one.

Sir, Cork, 7 January 1833.

I HAVE the honour to acknowledge the receipt of your letter of December 28th, 1832, calling upon me for such further particulars respecting the complaint preferred against Lieutenant Bowerman and a party of the revenue police, for misconduct while on duty on the 28th July ultimo, " as may tend to elucidate the truth."

I have carefully perused the statement of Mr. Wilson, J. P., and can unhesitatingly declare, that it is in every particular correct; and that it is supported by the evidence, upon oath, of the several persons who were examined touching the complaint preferred.

With reference to the cause assigned, in the enclosed report of November 23d, for Mr. Bowerman's evident unwillingness to afford the assistance and information required of him during the investigation, as well as for the want of respect shown by him and his sergeant to the magistrate, namely, that they were under the impression " that the investigation was *ex parte*, if not altogether unauthorized," it cannot be for an instant admitted; for, previously to entering into the inquiry, I fully explained to him that I was authorized and directed by you to hold the same, and my authority for doing so was as fully recognized by him. I had some days previously written to Mr. Bowerman, apprizing him of my being so authorized and directed, and requesting him to fix upon a day most convenient to himself to meet me in Broadford, for the purpose of carrying your instructions into effect; I cannot, therefore, look upon this plea as other than a weak attempt to evade the charge of wilful disrespect to the magistrates inquiring, by direction of Government, into the complaint made against him and his party; indeed, I recollect Mr. Bowerman insinuating that he did not consider himself responsible to any authority not directly emanating from his own Board. Mr. Bowerman was evidently most anxious to screen the parties complained of; and it appeared to me that he withheld the truth with that intention.

The conduct of Sergeant Armstrong was so improper and disrespectful, that I was upon the point of committing him, he for some time refusing to be sworn. Upon a previous occasion, when a complaint was made to me of the misconduct of this very party of revenue police by certain of the inhabitants of Killaloe, I deemed it my duty to remark, that he was a very unfit person for such a situation; and again, upon a subsequent occasion, when Bracken was tried for the murder of the woman alluded to by Mr. Wilson, the Judge before whom he was tried animadverted in the strongest terms upon this sergeant's conduct, directing that a report of him should be submitted to the Government, which I believe was done by Mr. S. Purdon, J. P.

The irregular, the insubordinate and violent conduct of the party of revenue police under Mr. Bowerman on the 28th July has, in my opinion, been most clearly established; and on the occasion of the investigation, I must say Mr. Bowerman evinced anything rather than a disposition to aid us in our endeavours to discover the greater offenders, and elicit the truth.

Upon reference to Mr. Wilson's statement and my report, you will perceive that the Reverend Mr. Butler clearly proves that two of Mr. Bowerman's party were in a state of intoxication while on duty. This is not denied by Mr. Bowerman; neither is the fact that he permitted these, as well as the other offenders who were accused, and indeed, as Mr. Bowerman must admit, convicted, of violence and outrage, to go unpunished, although he had promised to inflict some punishment upon the latter.

One of the evidences deposes, that Mr. Bowerman gave her the names of Brown and Barclay, as those of the persons against whom she had made complaint. Mr. Bowerman denies that these were the names he gave, admitting, however, that he gave false ones; but declaring that he could not recollect what the names were he had given; neither could he recollect who the persons were whose names he professed to have given. After considerable hesitation, however, he acknowledged that Bracken was one of the two, but he persisted in denying all knowledge of the other. It was of little consequence his giving up Bracken, he being then in gaol, charged with a murder perpetrated within three days of the commission of the acts of violence and outrage giving rise to the then pending investigation.

The report of November 23 states, that Bracken, one of the principal offenders, has been since removed from the service; leaving it to be inferred that his removal was the consequence of his misconduct on the 28th of July. It is true he has been since removed, but how? Why, by being sentenced to transportation for life, for having shot, without provocation, an unoffending woman.

Under all the circumstances of this case, it was my opinion, as well as that of the magistrate assisting in the inquiry, that Mr. Bowerman had overlooked gross misconduct on the part of the men entrusted to his charge; and that instead of his being the commanding officer, he was himself under the control of his sergeant. The fact of his permitting his men to straggle and separate from the rest of his party, and to get drunk, has been clearly substantiated; and upon my commenting upon it to Mr. Bowerman, his words were, " How could I help it?"

At no very remote period, had such a circumstance occurred as that which makes this report necessary in the county Clare, my firm belief is, that not one of the party would have been permitted by the country people to escape without injury; and from what has

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fallen under my notice, I much doubt whether, had they been attacked, they were in a state to offer effectual resistance.

I have, &c.

Sir W. Gosset, K.C.B., &c. &c. &c.

(signed) J. Vignoles.

May it please your Lordships, Excise-office, 26 February 1833.

We beg leave to state to your Lordships, that a representation having been made to his Excellency the Lord Lieutenant of Ireland by Mr. D. J. Wilson, of Six-mile-bridge, in the county of Clare, complaining of the conduct of Lieutenant Bowerman and a party of revenue police under his command, his Excellency directed Mr. Vignoles, the superintending magistrate of the peace preservation police of that county, to investigate the affair; and having received his report, Sir William Gosset, by his Excellency's command, transmitted the same hither, together with Mr. Wilson's representation, and signified his Excellency's request, that we would cause an immediate and strict investigation to be made respecting the conduct of the party complained of, and acquaint his Excellency with the result.

We accordingly lost no time in causing the matter to be investigated by two of our own principal officers, the particulars of which investigation we communicated to Sir William Gosset, as requested, for his Excellency's information. These particulars not appearing to give satisfaction to Mr. Wilson, he addressed a further communication to his Excellency on the subject, which was referred to Mr. Vignoles for his observations; and this communication and Mr. Vignoles' observations have, by his Excellency's command, been forwarded to us, with a request that we would re-consider the various statements relative to the matter in question.

From the unusual manner in which the first investigation by Mr. Vignoles was conducted, no communication having been made to us on the subject until after it was completed, and the matter having been afterwards again investigated, as before stated, we are of opinion, upon considering all the circumstances, that any additional inquiry or observations on our part are unnecessary; and we have, therefore, transmitted copies of the whole of the papers to your Lordships for your Lordships' information.

We are, &c.

(signed) George Seymour.
J. C. Mortlock.
Hart Davis.
Wm. Plunkett.

Gentlemen, Treasury Chambers, 7 March 1833.

The Lords Commissioners of his Majesty's Treasury having had under their consideration your report of the 26th ultimo, on the subject of the conduct of Lieutenant Bowerman and a party of revenue police in Ireland, I am directed by their Lordships to transmit to you copy of the Minute of this Board of the 5th instant, containing their decision in regard to this matter, for your information and guidance.

I am, &c.

Commissioners, Excise, &c. &c. &c.

(signed) T. Spring Rice.

Treasury Minute of 5th March 1833.

My Lords have before them the report of the Commissioners of Excise, of 26th ultimo, on the conduct of Lieutenant Bowerman and a party of revenue police in Ireland.

My Lords read the several papers now before them with equal surprise and regret.

They are quite aware that the very critical and unpopular duties to be performed by the revenue police may expose that body at times to complaint and to unjust accusation. But, on that very account, my Lords conceive it to be the duty of the officer of the corps, and of the higher authorities of the Excise, to apply their most vigilant exertions in maintaining discipline, and in securing to the public the most complete responsibility.

In the present instance, it appears from the report of Captain Vignoles, that three of the revenue police detached themselves from the main body, without the knowledge or authority of their commanding officer; and having commenced a search for illicit whiskey, that some violence was used by two of the party against a woman named Elizabeth Sullivan. That one of the armed police with his bayonet pierced the cloak of a woman named Ellen Mason; that some of the policemen were in a state of intoxication; and that Lieutenant Bowerman, on being applied to by Mr. Wilson, a magistrate of the county, to identify and disclose the names of the parties charged, evaded doing so.

That Lieutenant Bowerman, having stated to the complainants that the offenders should each be fined two days' pay, admits that no such fine was inflicted; and that, in the course of these proceedings, the conduct of Sergeant Armstrong appears to have been most violent and censurable.

My

My Lords perceive, in the report of the collector of Excise and inspector of revenue police, dated 19th October 1832, a manifest desire to pass lightly overt he real facts of the case; the more deeply censurable in those officers, as they were then engaged in an inquiry of a serious judicial character.

My Lords feel still more regret and surprise at the report addressed by the Secretary of the Board of Excise to Sir William Gosset on the 22d November; a document which, if taken singly, would lead to a view of the case wholly inconsistent with the facts, and with the principles of justice. They cannot permit the statement that "no violence was offered" to pass without the strongest animadversion, when it is considered that the policeman is admitted to have pierced with his drawn bayonet the cloak of a defenceless woman, and the bundle which she carried on her back; still more inexcusable does it appear to state, that private Hugh Bracken had been removed from the service; when the fact is stated to be, that he was convicted of felony, and transported for having occasioned the death of a woman some short time after the outrage complained of.

My Lords desire to have copies sent to them of any reports made to the Board of Excise concerning the offence, trial and conviction of Hugh Bracken; and a statement of the steps which my Lords presume the Commissioners felt it their immediate duty to institute thereon.

My Lords observe, with the utmost concern, that with all these facts stated on uncontradicted evidence, and more particularly when one of this very party of revenue police had been convicted and sentenced to transportation for life for having shot an unoffending woman, that all these documents should have been submitted to them in the report from the Commissioners of Excise of the 26th February, as a matter of information only, and not as requiring any further observation or inquiry.

My Lords proceed to consider the second report of Captain Vignoles, dated 7 January, in which it is stated that Lieutenant Bowerman was evidently most anxious to screen the parties complained of; and that he appeared to Captain Vignoles to have withheld the truth with that intention.

Upon the whole, my Lords conceived that a complete case of the grossest misconduct has been made out against the parties principally concerned; and they consequently direct that Lieutenant Bowerman, Sergeant Armstrong and private Perry, be forthwith dismissed the service; and that the character and conduct of the other members of this body of police be made the subject of immediate and searching inquiry.

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14 March 1833.

THE several papers relating to a complaint made by D. J. Wilson, Esquire, of Six-mile-bridge, in the county of Clare, against George Bowerman, lieutenant; William Armstrong, sergeant; and John Perry, private, in No. 42 party of revenue police, stationed at Killaloe, having been laid before the Right honourable the Lords Commissioners of his Majesty's Treasury: Ordered, in pursuance of directions contained in their Lordships' Minute of the 5th instant, that they severally be discharged.

(signed) F. H. DOYLE.

Gentlemen, Treasury Chambers, 4 May 1833.

WITH reference to the letter of this Board of the 7th March 1833, transmitting to you copy of the Minute of this Board of the 5th March 1833, on the subject of the dismissal of Lieutenant Bowerman, of the Revenue Police in Ireland, I am commanded by the Lords Commissioners of his Majesty's Treasury to desire that you will forthwith furnish to my Lords copies of any reports made to your Board concerning the offence, trial and conviction of Hugh Bracken; and a statement of the steps which you may have felt it your duty to institute thereon, as required by the said Minute.

I am, &c.

Commissioners, Excise, &c. &c. &c. (signed) T. SPRING RICE.

May it please your Lordships, Excise Office, 15 May 1833.

YOUR Lordships having, by Mr. T. Spring Rice's letter of the 4th instant, been pleased to direct that we should forthwith furnish your Lordships with copies of any reports made to this Board concerning the offence, trial and conviction of Hugh Bracken, a private in the revenue police, as required by your Lordships' Minute of the 5th of March; and a statement of the steps which we may have felt it our duty to institute thereon:

We beg leave to lay before your Lordships copies of the several annexed papers, the transmission of which had been deferred, from a desire to accompany them with any observations which might have been suggested from the result of the further inquiry into the conduct and the character of the other members of the party to which Bracken was attached, which your Lordships have desired us to make; but the separation of the corps since the dismissal of the lieutenant and the dispersion of the privates have caused a greater delay than was expected in obtaining the necessary information.

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From a perusal of these papers, your Lordships will perceive, that upon a statement of the unfortunate transaction which occurred on the 1st of August, and upon a report of the proceedings at the coroner's inquest, the Board issued the usual orders for undertaking the legal defence of Bracken; that his trial and conviction took place on the 5th of October; that he was found guilty of manslaughter, and was sentenced to transportation for life; and that the sentence was subsequently confirmed, and carried into execution.

This case having been investigated before the proper tribunal, and as the learned Judge who presided did not appear to entertain any doubts as to Bracken's guilt, or to see, in any of the circumstances which were brought forward at the time, grounds for a mitigation of the extreme penalty which the law has annexed to the offence of which he was convicted, we can only refer your Lordships to the enclosures for a statement of the calamitous circumstance which caused the death of an unoffending person; and we are persuaded that your Lordships will not consider that we are desirous of extenuating the conduct of Bracken on that occasion, or of impugning the decision of the Court, if we state that up to the period of the unfortunate occurrences in which Bracken was implicated, his conduct in the service did not appear to have been other than that of a zealous, active and well-disposed person; and that he had recently received, by your Lordships' warrant of the 1st August 1832, to which we beg to refer, a special mark of your Lordships' approbation, for his zeal and intrepidity in the service of the revenue. These circumstances we merely communicate for your Lordships' information, as matters which we believe were not stated or adverted to in the course of the proceedings. It may also be proper to observe, that there is nothing in the papers to show either that Bracken was allowed to make his escape, as Mr. Wilson asserts, in his letter of the 9th of December, or that he ever attempted to do so; the constable sent to apprehend Bracken with the magistrate's warrant found him, as stated in the report of the evidence with which we were furnished, in the Revenue Police Barrack at Gort; took him immediately into custody, and lodged him in Ennis gaol, it is presumed, on the 2d of August (the day on which the verdict of the coroner's inquest was given), as it appears by the papers that he was found in the gaol at a very early hour on the 3d, and also that he was in custody of the civil power on the 2d.

In transmitting these papers, we take the opportunity of adverting to some of the grounds upon which, we regret to observe, your Lordships have signified to us, in the Minute of the 5th of March, your opinion of our proceedings in relation to the charges brought against Lieutenant Bowerman, and a portion of the party under his orders, for their conduct on the 28th July. The Board felt that the conduct of the lieutenant was open to strong animadversion, and that the proceedings of the other persons implicated were severally marked by misconduct and insubordination on the occasion in question. With respect, however, to the lieutenant, who had been so recently appointed as the 29th of March 1831, under the general instructions from your Lordships, from the list of tax officers in Ireland receiving compensation, in order to diminish the charge of those allowances, the responsibility of duties, which were altogether new to him, and the position in which the proceedings of his men had suddenly and unexpectedly placed him, were circumstances which induced the Board to consider that the censure conveyed in the public notice which they had taken of this first instance of misconduct, on the part of so inexperienced an officer, would have been felt as a punishment by him, and would have been sufficient to prevent a recurrence of similar causes of complaint. With regard to Sergeant Armstrong, the Board felt desirous of punishing his conduct on the 28th of July less severely, in consequence of its appearing, both at the inquest and from the evidence of the first witness for the prosecution at the trial, as shown by the same copy of evidence before alluded to, that he had endeavoured to prevent Bracken from firing. We also feel bound to add, that we were not able to gather, from any of the papers before us relating to the trial, that the Judge animadverted upon the sergeant's conduct, nor have we received any report to that effect, either through the Irish Government or through the magistrate referred to in Mr. Vignoles' letter to Sir W. Gosset, of the 7th of January.

The Board cannot conclude the few observations which they have offered to your Lordships upon this subject, without expressing their deep regret at the view in which your Lordships have regarded the terms of the communication from this department to Sir W. Gosset, so far as it relates to the expression regarding the removal of Bracken from the service. It has not, we believe, been stated to your Lordships that the trial and conviction of that person for the offence committed on the 1st August took place some time antecedently to the date at which the knowledge of his previous misconduct on the 28th of July had come under the observation of the Board, of which, indeed, we had no intimation whatever until six weeks after it had occurred; he was, in fact, undergoing the sentence of the law when the Board were made acquainted with the circumstances connected with the conduct of Lieutenant Bowerman and his party on the 28th July. The Board could not, therefore, have any object in desiring to keep out of view the conviction and transportation for life, for another offence, of a person of whom they had already stated that he was the principal cause and perpetrator of violence on the 28th of July complained of. In the phrase, in our secretary's letter to Sir W. Gosset, referring to Bracken as "since removed from the service," it was simply intended to intimate that Bracken, who was the principal offender, was no longer within the reach of any punishment which we could inflict, and to offer this as a reason against pursuing the less guilty parties on the 28th of July with severe punishment; and the idea that Sir W. Gosset, who in his official capacity was specially cognizant of the circumstances of the case for which Bracken had been so recently tried, convicted and sentenced to transportation, would not, at the time, be fully aware of the cause of Bracken being

being no longer in the service, did not occur to us; nor, indeed, does it now appear to us, that Sir W. Gosset misunderstood our secretary's meaning in this particular. As, however, the phrase in question has appeared to your Lordships to be liable to an interpretation which we must be permitted to disclaim, and which has subjected us to a strong expression of your Lordships' disapprobation, it is a matter of regret to us that any allusion to Bracken's case was made, without an accompanying expression of the deep concern which it is impossible we should not have felt at learning that an unoffending woman had been deprived of life through the misconduct of an individual in our service.

We have, in conclusion, only to acquaint your Lordships, that immediate orders were issued by us for the dismissal from the service of Lieutenant Bowerman, Sergeant Armstrong and the private Perry, in obedience to the express directions contained in your Lordships' Minute of the 5th March.

We have, &c.

(signed) F. H. Doyle.
J. C. Mortlock.
Thos. Harrison.
B. Paget.

Schedule of Papers transmitted to the Treasury with the Board's Report of 15th May 1833.

No. 1. 8 Aug. 1832.—Mr. Graves, Inspector of Revenue Police, transmits a letter from Lieutenant Bowerman, stating that Mary Madden had unfortunately lost her life, in consequence of a shot fired by Hugh Bracken.

No. 1 *a*. 3/8, 1832.—Lieutenant Bowerman's letter, referred to in No. 1.

No. 2. 7/9, 1832.—Lieutenant Bowerman asking directions.

No. 3. 10/9, 1832.—Letter to Mr. Saurin, solicitor, covering Lieutenant's letter, No. 2.

No. 4. 25/9, 1832.—Lieutenant Bowerman to Mr. Saurin, stating that he had some important communication to make to the counsel who was to defend Bracken.

No. 5. 4/10, 1832.—Lieutenant Bowerman acquaints the Board that, as the Solicitor of Excise had not arrived at Ennis to conduct Bracken's case, he had employed a Mr. Greene for that purpose.

No. 6. 4/10, 1832.—Lieutenant Bowerman to Mr. Saurin, stating that he had employed Mr. Greene to conduct Bracken's case.

No. 7. 8/10, 1832.—Lieutenant Bowerman reports the result of Bracken's trial.

No. 8. 17/10, 1832.—Mr. Saurin to Lieutenant Bowerman, requesting to be informed whether any facts appeared on the trial favourable to Bracken.

No. 9. 19/10, 1832.—Lieutenant Bowerman, in answer to Mr. Saurin's letter, No. 8.

No. 10. 15/11, 1832.—Mr. Saurin, reporting on an application of Bracken to be paid sums due to him; and stating some particulars respecting Bracken's trial.

No. 11. 25/10, 1832.—Mr. Saurin to the Attorney-general.

No. 12. 17/12, 1832.—Decision of the Government, that the sentence on Bracken should be enforced.

No. 13. 14/3, 1833.—Mr. Saurin, in answer to an order, directing him to transmit the papers in Bracken's case.

No. 14. 20/3, 1833.—Extract of Treasury Minute of the 5th March 1833, sent to Mr. Saurin, with directions to furnish papers and the brief, relative to the trial of Hugh Bracken.

No. 15. 23/3, 1833.—Mr. Saurin, in answer to order directing him to furnish the Commissioners with any papers, &c. respecting Bracken's case.

No. 16. - - - - The Inquest.

No. 21. 11/4, 1833.—Mr. Saurin, transmitting further documents in Bracken's case.

No. 22. 25/3, 1833.—Mr. Barrett, Supervisor of Ennis District, to Mr. Saurin, respecting Bracken's trial.

No. 23. 10/4, 1833.—Mr. Graves, Inspector of Revenue Police, to Mr. Saurin, in answer to some inquiries respecting Mr. Bowerman.

No. 17. 9/4, 1833.—Mr. Saurin, transmitting papers in the case of Hugh Bracken, in pursuance of orders sent to him for that purpose.

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No. 18. 25/3, 1833.—Mr. Greene, the Solicitor employed on behalf of Bracken, to Mr. Saurin, stating the particulars of the trial.

No. 19. 6/4, 1833.—Mr. Barrett, Supervisor of Ennis District, to Mr. Saurin, giving him some account of Bracken's trial, and transmitting Notes of the Proceedings.

No. 20. - - Notes of the Trial of Hugh Bracken, taken by Mr. Barrett. And the Brief.

Gentlemen, Treasury Chambers, 8 June 1833.

HAVING laid before the Lords Commissioners of his Majesty's Treasury your report of the 15th ultimo, with its several enclosures, relating to the trial of Hugh Bracken, a private in the revenue police, who was charged with the murder of a woman, of the name of Mary Madden, I have it in command to acquaint you that my Lords are fully aware of the difficult and invidious duties to be executed by the revenue police, and of the necessity of giving to that corps the utmost protection and adequate means of defence from accusation; but I am, at the same time, to add, that in all cases in which violence may have been committed, and still more where a life has been lost, independently of the legal proceedings which are consequent on such an event, my Lords are of opinion that the strictest departmental inquiry should be instituted, with respect to the discipline of the corps, and the conduct of the responsible officers, with a view to the maintenance of this establishment in the most efficient order and condition.

I am, &c.

The Commissioners of Excise. (signed) T. SPRING RICE.

APPENDIX C.

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REVENUE POLICE.

COMPLAINT of Misconduct on the part of Lieutenant MORRISSY.

Honourable Sirs, Castlebar, 25 July 1833.

WE have the honour to state, that agreeably to the instructions contained in your communication relative to the charges preferred by Mr. Ferrall, chief constable, against Mr. Morrissy, of the Revenue Police, we proceeded to Castlebar, and entered on the inquiry, having examined the witnesses on oath.

We have the honour herewith to enclose a copy of the proceedings, and to observe that there is a great contrariety of evidence, as is usual on these occasions, and the hostility of the peasantry to the revenue service is such, that it is very difficult to form a just estimate of the credibility of such witnesses.

Upon the whole, however, it appeared to us, that at the period alluded to in Mr. Ferrall's report, there were some drunken characters, who have been subsequently removed by the representations of Mr. Morrissy; on one or two occasions Mr. Morrissy had been rather heated by liquor, and harsh in his conduct, and from general rumour, Mr. Ferrall had some grounds for his report, which, however, we consider highly coloured. It appears that Mr. Morrissy has been occasionally, as described by some of the witnesses, over-zealous in the performance of his duty; but there is proof that the violence towards the peasantry has not been committed.

We think, as we have already observed, that Mr. Ferrall had some ground, from general report, for the statement he made; and though perhaps it would have been better if he had more maturely considered the subject, we still think, having these grounds, he is not liable to the imputation of having made an unfounded charge against Mr. Morrissy.

We have, &c.

(signed) GEORGE WARBURTON.
JNO. LANE, Chief Clerk to the Solicitor of Excise.
JON. BARBER, } S. G., Exrs.
RICHARD DIXON, }

To the Honourable Commissioners of Excise, London.

COPY

COPY MINUTES of EVIDENCE taken in respect to the Charges preferred by Mr. FERGUS FERRALL, Chief Constable of Police, against Mr. MICHAEL MORRISSY, Lieutenant of Revenue Police, at Castlebar, on the 23d, 24th and 25th July 1833.

FERGUS FERRALL sworn.

23 July 1833.

I WAS in the month of December, 1832, a chief constable of the Constabulary Police, a Newport Pratt, in the county of Mayo. On the 11th December I was at Newport, attending on official duty at the Petty Sessions Court-house, in that town. I was returning from the Court-house in the afternoon, and accidentally met Mr. Michael Morrissy, a lieutenant in the Revenue Police, stationed at Castlebar, who addressed me, and said, that he wished for some men, meaning a portion of the privates under my command. I said that I was sorry that I could not give any men on that day, as they were under orders for other duty, and that he (Mr. Morrissy) was aware that my men were a good deal harassed from patrolling, executing warrants, and escorting prisoners. Mr. Morrissy replied, that as to your men patrolling, it was a mere sham, as they took care to let the Terries know their movements, and that where the Terries were one night, the constabulary would be the next night. To this I said, that it was a very improper remark, and that I should report it, and make him prove it; he also said, that my men were too fond of drinking poteen whiskey to give any assistance to put it down in the town of Newport. He then said, I don't mean your men, I mean Mr. Lewis's men, at Castlebar. He then, in a menacing manner, flourished his stick over his head, and said he did not care a damn for me, or words to that effect, and left me.

(signed) FERGUS FERRALL, C. C. P.

Mr. MORRISSY was then allowed to question Mr. FERRALL.

Q. Do you swear it was one o'clock on that day I wanted the men to go out on duty?
A. I can't say as to the hour, but it was that day.
Q. You swear it was that day that Mr. Jones was at your house?
A. It was, to the best of my belief.
Q. Was it not in a friendly way that I spoke to you about the Terryalts?
A. I think not.
Q. Did I not say I expected you to do the same if you had heard anything injurious to my men?
A. I don't recollect you said any such thing.
Q. Did you, after that, give me any men?
A. I did, after that, give you some men.

JOHN COOPER sworn.

I AM a constable of the county Mayo. I was in the month of December stationed at Mulrany, near Newport. On the 11th December I was in Newport; I recollect a conversation that passed between Mr. Ferrall and Mr. Morrissy on that day; I was going with Mr. Ferrall to his lodgings, and we met Mr. Morrissy; Mr. Morrissy asked for some men from Mr. Ferrall, who said, that he was very sorry he could not accommodate him on that day in consequence of their having to go out to execute some warrants; that his men were employed every day in escorting prisoners, and patrolling at night. Upon which Mr. Morrissy said, that the patrolling at night was all a sham, as the police let the Terries know their movements. Mr. Ferrall said, that (meaning the conversation) was highly improper. Mr. Morrissy then said, that where the Terries were one night, the police would be the next night, and that his men would give him no assistance in putting down the illicit making of spirits. Mr. Ferrall said he would make him prove it; upon which Mr. Morrissy said, I mean Mr. Lewis's men. He then said, that he did not care a damn about him (Ferrall), and, flourishing his stick over his head, left them. That this conversation was distinctly heard by me, and is not now made by me in consequence of any subsequent conversation with any one.

(signed) JOHN COOPER.

COOPER was then questioned by Mr. MORRISSY.

Q. Were you examined before on this business between Mr. Ferrall and me?
A. I was.
Q. Did you say these words when you was examined before?
A. I don't know.
Q. Had you a conversation with Mr. Ferrall on this subject since the former inquiry?
A. Yes; he said I must give my testimony again.
Q. Did Mr. Ferrall say what you were to prove on the occasion?
A. No.

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Sir Richard O'Donel, Baronet, sworn.

On the fair day, 14th November 1832, at Newport, I recollect seeing two or three of Mr. Morrissy's men in a state of intoxication; one of them gave me an impudent answer, but I believe he did not know me; I also saw Mr. Morrissy, but have no complaint to make against him; I communicated the circumstance of some of his men being drunk; I do not recollect what his answer to me was; his men were frequently drunk, but whether before or after the month of December last I do not now recollect.

(signed) R. N. O'Donel.

Edward Maley, Esquire, sworn.

I reside at the town of Newport, and recollect the fair day on 14th November 1832, and was standing with Sir Richard O'Donel, when a conversation took place between Mr. Ferrall and Mr. Morrissy respecting the police. I recollect seeing one of Mr. Morrissy's men intoxicated in the afternoon of the fair day, but I never saw Mr. Morrissy intoxicated. I have frequently seen, both before and after the month of December last, some of his men in a state of intoxication, but whether they were so on duty or not I do not know. I considered they were returning from duty, it being in the evening when I have seen them intoxicated.

(signed) Edward Maley.

John Thornton sworn.

I am one of the revenue police over which Mr. Farrington is the lieutenant at Crossmolina. I was sent to the station on the 22d September last, from Lieutenant Morrissy's party at Castlebar; I was a sergeant, but then reduced to a private. Whilst I was with Lieutenant Morrissy I frequently saw him intoxicated in the evening when going out on duty, and when not on duty; I can't say that he was incapable of performing his duty at these times; he was very apt to scold and abuse the men under his command, but myself in particular. I can't say that I ever saw him drunk or to get drunk when in the country. I don't recollect ever seeing him in liquor or intoxicated in a morning when going out on duty.

I recollect that about three months before leaving the party, Mr. Morrissy's striking me with his hand; we were about to go into the country; I do not know now whether it was with his fist or his open hand, nor do I recollect what it was for, or about; he had been scolding me. This was the only time he ever struck me; I was not hurt. I never saw him strike any of the other men of his party during the nine months I was with him.

(signed) John Thornton.

Q. At the time you say I struck you, did you not disobey my orders?
A. To my knowledge I did not.
Q. Had you not broke a ramrod that night?
A. I had not, but a few few days before I did, and got it mended.

Hugh Kelly sworn.

I am a policeman belonging to Lieutenant Morrissy's party. I was in the habit of going out with Mr. Morrissy before Christmas last; he was sometimes sober and sometimes drunk. I recollect the 29th May 1832; we were out on duty at Strade, near Foxford, when he took the arms from Thornton, who was then a sergeant, and threw them down, and then to strike his head against the wall two or three times; it was about a mile from home, and about 12 o'clock at night, when they were about to go on duty, I think it was with some force that Thornton's head was knocked against the wall, but the man did not complain. I recollect that he struck a man of the name of James Read with a pistol the same night. On the 8th June 1832, at night, I recollect Lieutenant Morrissy's having a conversation with me, when he said I was an uncouth savage servant, and put a pistol near to my mouth, but did not touch me with it; he was then, I think, about half drunk; I never saw him strike any of the men except Thornton and Read, as before mentioned; he has been many times hearty on duty previous to the month of December last, but I never saw Lieutenant Morrissy so much in liquor as that he was incapable of doing and performing his duty except upon one occasion, about 12 or 14 months ago, when they were at Lund, and then he was obliged to go to bed about break of day; we had been out the whole of the night previous. I never made a complaint of this circumstance, although I had been asked from time to time by the superior officers.

(signed) Hugh Kelly.

Kelly was then questioned by Mr. Morrissy.

Q. How far is Strade from this?
A. About eight or nine miles, and the seizures were made about a mile and a quarter beyond.
Q. How was I so able to walk the distance, and so drunk as you say?
A. You got sober by the way; I saw pistols in your hands and a firelock afterwards.
Q. Did you see me with any else?
A. I did not, except a belt and bayonet.
Q. How often did I fall?
A. I can't say, I saw you once, and stagger.
Q. Had my conduct been stated to the Board, and decided by the Board, respecting Read?
A. I heard so.

Q. Was

Q. Was it early in a summer's morning we left this to go to Lund?

A. I do not know the hour.

Q. How many villages had we searched?

A. None until I went to Lund. I was one of the men sent to a village further on; I don't know if Burke was with me.

JOHN BAKER sworn.

I AM a policeman in Mr. Morrissy's party at Castlebar; I never made a complaint against Mr. Morrissy to his superior officers; I have been in the habit of going out with him; sometimes he has been tipsy. In July 1832 we were on Foxford on duty, when he was the worse for liquor. In the month of May 1832, I saw him knock Sergeant Thornton's head against the wall, but what it was for I do not know; they had words. The same night I saw him strike James Read, another man, with a loaded pistol, because, as he said, Read was a Protestant; he (Morrissy) was tipsy upon that occasion; the duty of the morning then commenced, and several seizures were made, at which he was present. I recollect an occurrence at Lund in the spring of the last year; he was then tipsy, and went to bed at a house, and remained there for an hour after; I came back from searching about the place; he in general was very harsh to the men, and frequently the worse for liquor, but not so much as to cause him to be incapable of attending to his business, except upon the occasion at Lund; when he has taken liquor he has soon got sober, and capable of attending to his duty.

(signed) JOHN BAKER.

BAKER was then questioned by Mr. MORRISSY.

Q. Did you hear me ask Sergeant Thornton for his ramrod and firelock?

A. I did, but he refused, because he said you were drunk.

Q. Did I take the firelock from him?

A. You did; and he gave it you on condition that it was to be returned to him; you were in the habit of examining the men's arms, as you said they might shoot or assassinate you on the road.

Q. Did you ever hear of any conspiracy against me here?

A. No.

Q. Do you know Michael Walsh, a grocer, in this town?

A. I do.

Q. Did you ever tell him that you would take everything down you knew against me?

A. I did not.

Q. Did you ever see me take liquor on the road?

A. I did not, except once, out of a flask.

Q. Was that at the cholera time?

A. It was.

HONORA GALLAGHER sworn.

I LIVE at Callybrach, near Newport; was at my aunt's washing the day Mr. Morrissy and the revenue police came to her house; a man of the name of Burke, of the revenue police, came in first; she had the tub in the way of the door, and he desired me to take the tub out of the way; I did not take it immediately, but waited for help to lift it; he dashed me over against the table; I went to Mr. Morrissy to report Burke's conduct; he struck me against the table, and broke three of my ribs; I have been very ill ever since; my aunt complained that they should behave in that way, and that she never had any of what they were looking for in her house; one of the men knocked my aunt against the chimney, and cut her arm; Mr. Morrissy was present when this occurred.

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HONORA × GALLAGHER.
mark.

This Witness was then questioned by Mr. MORRISSY.

I was not examined before on this business on oath; I did tell them three of my ribs were broke; I did not say, that if money was given to me I would tell more than I did tell; I asked who was to pay me; there was not more than two police in the house, with Lieutenant Morrissy; there was only Burke and Sweeny with him; they were only a short time in before him; I had nothing in my hands at the time; not a three-legged stool; it was you (Morrissy) that injured me, and you did not say that if I called the next morning I should obtain satisfaction; I had no whiskey that day, but I think you had; I did not see a crowd with sticks and stones afterwards; I was not at the kiln, nor my aunt, as I know of.

SIBBY M'FADEN, *alias* MORAN, sworn, and examined through an Interpreter.

I LIVE at Callybrach, near Newport; two of the police came into the house first; there was her niece in the house, washing clothes; they tossed the pail in which she was washing against the ground; they took the woman that was washing, and tossed her against the ground; I told them to be quiet, and they would get leave to search the house; one of the men took hold of her; she has since learned that it was Burke and Sweeny; Mr. Morrissy came in afterwards, and stood by, and the men went through the house; her son, who was weaving, came up, and told Mr. Morrissy to search the house, and if they had found nothing to take away the men, or the women would be killed; she was herself thrown into the chimney-place by one of the revenue men, and did not know what was going on; that she did not see Mr. Morrissy do anything; the girl that was washing got up from the floor, and said that she should be killed by Mr. Morrissy and his men, and after the men were gone she said her ribs were broke; her niece went away the same day, and she does not know

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know whether there was a doctor sent for, or had; I heard Mr. Morrissy say something in English, and the people in the house said that he had said, that if the niece would come to him the next morning she should have satisfaction; I had a three-legged stool to drive them out of the house, having no whiskey in the house; I saw Mr. Morrissy in the house next day; he said that there was nothing the matter with her; that she was full of poteen; that was making her sick; she says that the reason of her not applying to a magistrate was, that the people told her it was of no use, as she would not get satisfaction from the King's men.

ANDREW MORAN sworn.

I LIVE at Callybrach, near Newport; I recollect the revenue police coming to my mother's (the last witness') house; I was weaving at the time, and a woman was washing; two policemen and Mr. Morrissy came in; the woman wanted some one to lift the tub away; Sweeny and Burke were, I believe, the policemen, and they pushed her away against the table; Mr. Morrissy came in, and he also pushed the woman against the table, upon her complaining to him of the conduct of the men; one of them also pushed his mother against the wall, and cut her arm; but does not know who. The next day I saw the men and Mr. Morrissy; and on his saying that he would go to a magistrate, Mr. Morrissy pushed him against the ditch with a stick. I had not thrown any stones at the police, and had given them no offence. I did not hear Mr. Morrissy direct his men to charge me with bayonets.

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×
ANDREW MORAN.

MORAN was then questioned by Mr. MORRISSY.

I was not among the crowd about the house afterwards; I don't know what became of the policemen after searching the house; I never saw the revenue police in the village before; the people had lifted some stones; but did not see any thrown at the police. No one has ever told me what to say here.

THOMAS MORAN sworn; examined by an Interpreter.

I AM brother to the last witness; I recollect what took place at my mother's house; I was out of doors; I went up and saw Mr. Morrissy there; I saw my mother's arm bleeding; Mr. Morrissy caught me by the throat, and threw me down, by which my leg was hurt; my cousin, who was there washing, was also complaining of the men having pushed her about. I said to Mr. Morrissy to command his men; he said he could not command them; the policemen came the next day and searched the house without Mr. Morrissy.

23*d July* 1833.

JOHN M'DONNELL sworn.

I LIVE at Callybrach; I recollect the 14th December, when the police came; Thomas Moran, the last witness, was present, and Lieutenant Morrissy and Sweeney, one of the police, threw him down and dragged him about, preventing him from going into his own house; I heard Thomas Moran say to Morrissy, "Why don't you command your men?" and he said that he could not; there were about 15 people at the kiln; some of them had stones; the kiln was about four perches from the house; if the police were not mad, they were drunk; I saw people on the hill throwing up their hats as a signal.

THOMAS HEYLAND sworn.

I LIVE at Buccah, about three miles from Newport; I recollect the police coming in December to Buccah; and I met Mr. Morrissy as I was going home to my own house, a short distance therefrom; and he asked me where I was going, and I said home; he said I should not go the way I was going; I kept the blow of a stick which he gave me off with my hand; he wanted to take my stick; I gave it to one of the policemen, and Mr. Morrissy got it from him, and broke it on his knee; he also held me by the breast, and pushed or punched with his fists; I said as much now as I did on a former inquiry; I could not use my arms for two or three days.

PATRICK CASSIN sworn.

I AM a sub-constable; I was on duty on the day with Mr. Morrissy; I think it was the 13th or 14th December 1832; we did not leave Newport until nine o'clock; they went to a place called Furness, and got malt; we then went to Buccah, and met Heyland, who went with them towards his own house; Mr. Morrissy asked him where he was going; Heyland said he was going home, and Mr. Morrissy then said that he should not proceed that way; Heyland said he was on his own land, and said he would go in spite of him, as he had done nothing; Morrissy then took hold of Heyland by the neck, and attempted, as I considered, to throw him into the bog; Heyland had a stick, and Morrissy wanted him to give up the stick, but which he refused, but he gave it to me, and Mr. Morrissy broke it across his knee; it was me who got between Mr. Morrissy and Heyland, and obtained the stick; the scuffle between Mr. Morrissy and Heyland was all about the stick, which was a loaded one, and such a one as we are in the habit of taking away from the country people; Mr. Morrissy did tell Heyland to leave them and to go away before the scuffle ensued.

The examination of witnesses, as regards Mr. Ferrall's against Mr. Morrissy, here closed, and Mr. Morrissy was directed to be ready with his defence the next morning.

25*th*

25th July 1833.

MICHAEL MORRISSY sworn.

I AM lieutenant of the revenue police, No. 37, stationed at Castlebar. On 11th December last, I left Newport at morning 8, and returned at 11 o'clock the same morning, when I met Mr. Ferrall and his constable, and returned with Mr. Ferrall towards his house, and said, "I understand your men are out at night; my party is weak, and the country being disturbed, I should like to join you at night to still-hunt that part;" he said, "That will never do for my party; we could not be delayed with you making seizures." I then asked him for some assistance for the next day; he said they were busily employed, and could not comply with the request; we were then on good terms. I said that there is a report given me by one of my men, that where the Terryalts are to-night, your men are to-morrow night; before I could say any more to Mr. Ferrall he got into a great passion, and said his men never went out without his being with them at night. I endeavoured to impress upon his mind, that I had made the communication with a friendly motive; he was in a passion, and said he would report me; and walked on, and said, "You may do your best."

MICHAEL MORESY,
Lieutenant, Revenue Police.

Mr. Moresy denies the charge of drunkenness at the fair of Newport, but admits that two men and a sergeant of his party were intoxicated; that he reported their conduct upon that occasion to the Board of Excise, and the consequence was that the sergeant was reduced and removed, one of the men removed, and the other dismissed.

Mr. Moresy, who denies the charge of drunkenness as alleged by John Thornton and Hugh Kelly, in their examination, and asserts that, with respect to Thornton's allegation of being struck by him, he applied to him to know whether he had got his ramrod repaired; and, on his refusing so to do, and to give up his firelock, he (Mr. Moresy) called on him to give up his accoutrements, and then put him under suspension. Thornton refusing to comply with the request, Mr. Moresy took them from him by force, and in the struggle they both fell to the ground; but Mr. Moresy denies ever striking him, or indeed any of the men under his command; and with respect to the allegation of Kelly, of Mr. Moresy having struck Read, one of his men, with a pistol. Mr. Moresy says, that he charged Read of having taken whiskey, and on Read's denying it, and saying that he (Moresy) was drunk, he (Mr. Moresy) pushed Read from him with a pistol which he at the time had in his hand. Mr. Moresy says, that Read complained of the occurrence, and an investigation took place, but that he, Mr. Moresy, was acquitted of blame.

JOHN M'CARTER sworn.

I AM a revenue policeman, of party No. 37, commanded by Lieutenant Moresy; I have been about five years in the party. I recollect going with the party about the 29th May 1832, and that Sergeant Thornton refused to show his firelock upon being asked for it by Lieutenant Moresy, who thereupon ordered the party to spring their ramrods; the party did so, except the sergeant, who afterwards did it on seeing the party comply with the order. I often heard the sergeant express himself in unbecoming language to the lieutenant, both on and off duty; I left the company immediately, and therefore did not see any scuffle between the lieutenant and the sergeant. I recollect that, about Christmas 1832, I communicated to the lieutenant something about the constabulary and Terryalts; it was a report heard of by me, that where the constabulary were one night, the Terryalts would be the next night. I have seen Mr. Moresy hearty sometimes, but not drunk and incapable of performing his duty. I recollect the day we went to Callybrack, and was the first man that entered Moran's house; there were two women in the house, and a boy on the loom weaving. I first went to search the kitchen; one of the women said, "You damned rascal; are you going to break all that is in the house?" I said, "No, I have done nothing in it as yet;" upon which she took up a stool, and said she would knock my brains out; at this time Burke and Dillon, two policemen of our party, came in; Burke asked what was the matter, and I said the woman was going to kill me, and would not let me search the house; Burke went into a room, the woman following him, and I remained in the kitchen; the other woman, the youngest I believe, was boisterous, and appeared as if she had drank; the woman with the stool stopped Burke at the door, and would not let him pass back from the room, and he pushed her in order to get back; I did not see him strike her; she went against a chest, but I did not hear her complain. Mr. Moresy came in, and the woman said, "The rascals have beaten us, and broke all the things in the house." I did not see anything done to the other woman. Mr. Moresy told them, that if they came to Newport he would give them all the satisfaction the law would give them. I did not see Mr. Moresy touch either of the women; I was with him in the kitchen all the time he was there; there was a crowd of people about the house with stones and sticks, and, in consequence of the violence of their conduct, we primed and loaded our guns; I think there were about 20 or 30 persons, and the crowd increased afterwards, and followed the party for near a mile and a half. Mr. Moresy's conduct on this occasion was very cool and collected. I recollect the circumstance of Mr. Moresy's striking Read, the policeman, with a pistol. I recollect going to Lund, and upon that occasion I recollect finding Mr. Moresy on our return in bed; I cannot say that he was drunk; he might have taken something that night. Mr. Moresy could have put his hand on the woman in Moran's house without my seeing him; I did not see him do anything of the kind; I have not taken a glass of spirits of any kind

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for these four years past; I never saw Mr. Moresy take spirits whilst on duty in the country; when I saw Mr. Moresy asleep, I was aware that he had travelled seven miles, and, on their setting out on the journey, Mr. Moresy appeared to have taken some liquor, but was capable of undertaking his duty, and it was about four or five o'clock in the morning that we arrived at the place where Mr. Moresy took rest.

(signed) JOHN M'CARTER.

THOMAS DILLON sworn.

I AM a policeman under the command of Lieutenant Moresy; I recollect being on duty with Mr. Moresy in April 1832, at Lund; we left Castlebar about 11 or 12 o'clock at night, and arrived at Lund before day-light; the distance is about seven miles; I was one of the party who went to another village from Lund; Mr. Moresy was capable of performing his duty; we left Mr. Moresy at Lund; we returned in about an hour and a half, and found Mr. Moresy stretched on a bed in one of the houses, and was asleep; we roused him up, and returned towards home; Mr. Moresy was then very well, and we proceeded to further duty, and found steeped corn, of which they made a seizure; I recollect being at Callybrack, at Moran's house; M'Carter and Burke, two of the party, were in the house before me; there were two women there, who were very violent, and appeared disposed to attack them; one had a stool in her hand, and she attempted to strike Burke with it; Mr. Moresy came in afterwards; they (the women) complained to him that Burke had struck one of them, and that the furniture had been knocked about; Mr. Moresy said that if they came to Newport and summon the men, he would give them satisfaction; I did not see Mr. Moresy strike or collar any one; if he had done so, I must have seen him; one of the women complained the next day; I was also with the party at Furness the following day: we met with a man, named Hyland; the lieutenant requested him to leave following the party; he had a stick in his hand; he said, if he was left with the lieutenant, he would beat him; the lieutenant then, with the assistance of one of Mr. Ferrall's men, took the stick from Hyland, it was a loaded stick; they did not use him roughly in procuring the stick; he still kept a short distance from the police, and remained so, with his father, who had a stone in each hand; at the time the lieutenant was at Lund, asleep, a pistol-shot was fired outside the door in order to awake him; I cannot say that he was drunk; I do not recollect seeing the lieutenant in such a state as to be incapable of performing his duty; I have seen him after having taken liquor; I think I should know when he had taken two tumblers; I have not been under a more active officer.

(signed) THOMAS DILLON.

JOHN CASEY sworn.

I LIVE at Callybrack; I recollect the police coming there in December last; I know Honor Gallaher; I saw her that evening; she said that some of the police had hurt her; I asked whether it was the officer; she said it was not, but that it was Burke; she said, when he was going up to the room he pushed her out of the way against a box, and that she took a stool and struck one of them with it afterwards; she did not say she was hurt; it was immediately afterwards I saw her; I never heard her say that any of her ribs were broken until yesterday; she went to work at washing after the police left the house, and walked home that night, about a mile and a half from Moran's; I strove to quiet the people that day.

The mark of
×
JOHN CASEY.

JOHN ORMOND MASTERSON, Esquire, sworn.

I RESIDE in Castlebar; I know Mr. Moresy; I am in the habit of seeing him both on going upon and coming off duty, and with driving with him frequently; I have known him to look flush in the face after taking a tumbler or two of punch, but I never knew him to be intoxicated so that he was incapable of performing his duty; I think him a very efficient officer in the employ he is engaged in; I never saw him behave in an uncouth manner to any one, and I consider him rather over-zealous, if anything.

WILLIAM SMITH MALEY, Esquire, sworn.

I RESIDE in Castlebar, and am in the habit of seeing Mr. Moresy frequently, I have seen him both upon going on and coming off duty; his appearances to me were always correct; I never saw him intoxicated; I have frequently dined with him, and never saw any impropriety in his conduct, or to drink to an excess.

WILLIAM LEVINGSTON, Esquire, Distiller, sworn.

I LIVE at Westport; I have been in the habit of seeing Mr. Moresy frequently on duty, he always evinced considerable zeal in the service; I never saw him the worse for liquor; his general character in my neighbourhood is, that he is an efficient officer, not given to excess in drinking, and I never saw any irregularity in his conduct.

(signed) GEORGE WARBURTON, C. G.
JN° LANE, Chief Clerk to the Solicitor of Excise.

JON^N BARBER,
RICH^D DIXON, } S. G., Ex^rs.

Appendix D.

ILLICIT DISTILLATION, IRELAND,

Correspondence thereon, 1834–1836.

May it please your Lordships, 5 July 1834.

The state of illicit distillation in Ireland has for some time past occupied the serious attention of this department. The alarming height to which it had risen in the last two or three years had rendered a considerable augmentation of the revenue police necessary, which your Lordships have accordingly been pleased to sanction; and it became extremely desirable, and indeed indispensable, that a special and particular inquiry should be undertaken, with a view at once to obtain the best information as to the prevailing causes of the evil, and as to the means which were most likely to lead to its suppression. It had been the wish of the Board to confide this important investigation to one of its members; but from its reduced numbers, and from the circumstance of the appointment of a Commission of Excise inquiry, at which the attendance of the members of the Board might be frequently required, it was thought impossible at that time to attain so desirable an object; an immediate inspection was, therefore, confided to one of the inspectors of police, Mr. Plunkett, and to Mr. Ryan, the Excise collector of Derry, whose station had necessarily afforded him the means of becoming acquainted with many parts of the subject of inquiry.

The result of this inquiry has been a copious report, embracing the state of illicit distillation in the several districts in which a police force is stationed, the inducements to a continuance of the practice, and suggestions for facilitating its suppression, as well as the requisite details respecting the efficiency and discipline of the several parties of revenue police.

About the same period an inquiry into the state of the licensed distilleries in the different parts of Ireland was undertaken by the Board's orders, by two of the most intelligent surveying general examiners of the first class, whose report has also conveyed to the Board much useful information connected with the present inquiry, and has also suggested for its consideration means for putting down illicit distillation in that part of the kingdom.

These reports, the results of separate and independent inquiries by officers of distinct branches of the establishment, contain statements which have led the Board, after careful examination and the fullest consideration of the several recommendations submitted to it, to the conclusion, that the suppression of illicit distillation in Ireland cannot be accomplished without an increase in the number and efficiency of the revenue police force; a greater inducement to exertion through rewards for activity on the part of the officers and privates than the system at present acted upon offers; and the adoption of some system which shall give the landowners an inducement to assist in putting down illicit distillation on their estates.

It has also been suggested, that these measures, in order to be effectual, should be accompanied with some reduction of the duty on spirits.

With regard to the duty, the Board can entertain little doubt of the importance of a temporary if not a permanent reduction of the rate in Ireland, as one amongst other means of subduing the existing evil; but they could not, from the facts which have come before them, anticipate with confidence that decided effect upon illicit distillation which it is desirable at once to produce from that measure, unless accompanied with some other means of repression. It would appear that in that part of Ireland in which the practice is most prevalent, the fraud on the revenue is carried on not merely by cotters, but by the farmers residing in the mountainous districts, to whom the refuse of the materials employed is of the greatest importance as winter and spring food for cattle, in addition to the value of the spirit, which is sold at prices varying from 3 *s.* 6 *d.* to 6 *s.* 6 *d.* per gallon. It is also understood that at least a gallon of such spirit, the average value of which may be worth about 4 *s.* 6 *d.*, is produced from two stone of grain, the highest value of which does not exceed for the two stone 20 *d.*, from which is to be deducted the value of the refuse, being about one-third, or 6 *d.*, thus leaving the highest cost of the corn only 14 *d.*; a clear average profit of about 3 *s.* a gallon may, therefore, be realized, less the trifling cost of peat, fuel and labour necessary for the rapid production of the spirit.

With regard to the adoption of some system by which the interests of the landowner might be united with those of the revenue in suppressing the evil, the object is obviously most desirable; but although the subject is of considerable importance, it is proposed to defer the consideration of it to a future opportunity, conceiving that it would be inexpedient to delay the present representation, as in any case the suggestions which it will be our duty to make to your Lordships on the two remaining heads are, in our judgment, indispensable for the attainment of the important objects in view; we shall, therefore, proceed to state, as briefly as possible, the measures for which we request your Lordships' immediate sanction.

Although there is no doubt that the efficiency of the revenue police, as regards its discipline and internal regulations, will be greatly improved in consequence of various amendments arising out of the recent inquiry, it appears absolutely necessary that some

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further increase to the numerical strength of this force should be authorized, to enable it to occupy effectively the extensive districts over which the parties are at present too thinly scattered, and in which illicit distillation is known to be actively carried on.

The counties in which the illicit distillers are most active, and through which the greatest number of police parties are distributed, are Donegal, Londonderry, Tyrone, Leitrim, Sligo, Mayo and Galway; but active illicit distillation likewise extends into several other adjoining counties, in which revenue police parties are also stationed, though in smaller numbers, and into those in which there is at present no force of that description.

In the northern counties it appears that the illicit distillers work from a mixture of malt and raw grain; and although in some parts the proportion of malt preponderates, in very many the quantity of raw grain used is in a considerably larger proportion than the malt. We have already observed that the illicit distillation is not carried on by mere cottagers, but that it is extensively engaged in by farmers, with whom one great object appears to be to obtain the waste or refuse for food for cattle. As, therefore, the value of the spirit is only a part of the advantage to be obtained through distillation, the process of fermentation is completed in the shortest possible time without disadvantage to the parties interested; the spirit, though obtained in less quantity, being of a superior quality, and the saccharine matter left in the grain only rendering the refuse more nutritive and valuable as food for cattle. The rapidity of the process, therefore, requiring that the parties employed in the suppression of illicit distillation should be more closely distributed than might otherwise be necessary, and as the Board, after the fullest inquiry, are satisfied that the existing parties are in several cases too thinly scattered over districts in which illicit distillation is carried on with great activity to be able by any possible exertion to keep down the evil, and that it is spreading to an alarming height in other parts of the country, we have to request your Lordships' sanction for an addition to the Revenue Police Force, amounting in the whole to 14 parties, consisting of one lieutenant, one serjeant, and 12 privates each, to be stationed chiefly in the counties of Tyrone, Donegal and Mayo.

In recommending this augmentation, we beg at the same time to state that the efficiency of the force altogether is materially impaired by the want of a sufficient number of inspectors. It was originally under the command of four captains, who were discontinued, and two inspectors appointed in their place at the same rates of pay. At that time the parties were few in number, and the two inspectors were perhaps not insufficient; but latterly the greatest inconvenience to the service has been experienced from the excess of duty which has devolved upon these two officers. It had, therefore, been in contemplation last year to apply to your Lordships for the immediate appointment of a third district inspector; but as the general inspection of the whole corps, and an inquiry into the state of illicit distillation in Ireland was about to be undertaken, it was thought expedient to defer the application until the whole subject could be brought fully under your Lordships' notice. We request, therefore, to be authorized to appoint a third district inspector, and that a slight augmentation from 9*s.* 8¼*d.* to 10*s.* 6*d.* a day should be made in the salary of those officers who receive no rewards,—a rate of pay which will even then barely place them upon an equality with a supervisor of Excise.

It has also been found so very inconvenient and injurious to the service to remove the district inspectors from their pressing local duties for the purpose of conducting special inquiries, or of making any special inspection, that the appointment of a chief inspector has become, in our opinion, indispensable for the good of the service. At present it is frequently necessary to take superior officers of the surveying branch from their own pressing duties, and to employ them in carrying on investigations which should properly devolve upon some officer, the nature of whose appointment should make him more conversant with the subject of the inquiries intrusted to him, and whose services should not thereby be taken from equally pressing duties of a different kind. A general superintendence of the force by one competent and responsible individual would also keep up a greater uniformity of practice and discipline, and consequently render it more effective for all the objects of its establishment. We request, therefore, your Lordships' authority for appointing a chief inspector of the Irish Revenue Police Force; and we cannot propose that this officer should be placed on a lower footing in point of pay than a surveying general examiner of the junior class, whose salary is 250*l.* per annum.

In considering the inducements to greater exertions on the part of the officers and men of the Revenue Police, by means of rewards for the seizure and destruction of the implements, materials or produce of illicit distillation, we have always been of opinion that the principles which assigned specific rewards for such services, and which was in operation under the Irish Board at the consolidation in 1823, was, if properly applied, of great importance in suppressing the evil; and we do not consider that the entire discontinuance of that system, which has taken place since the 5th of July 1831, in consequence of the Act of the 1 & 2 Will. 4, c. 55, limiting the rewards to an allowance of a portion of the penalties awarded in cases in which they cannot be recovered, and of a part of the value of seizures of malt and spirits which may not sell for a price equal to the duties, has been attended with beneficial effect to the revenue. In lieu, however, of reverting to the former rates, a considerably reduced scale of rewards is recommended, in which the sergeants and privates alone should be allowed to participate, the lieutenants being excluded from all interest in them, as it is upon his certificate that the fact of the services performed, and the destruction of the articles which cannot be brought to store, and are consequently destroyed on the spot, must rest. In order, however, that the lieutenants may not be without a similar inducement to good conduct and activity, it is proposed, as a substitute for the specific rewards which they were formerly entitled to claim, that three grades of rank, each having different

different rates of pay, should be established, and the advancement to the higher classes would be the reward of meritorious conduct.

With this view, therefore, we are induced to recommend that the rates of pay should be as follows:—

For the	1st, or highest class,	7*s.* 6*d.*	per diem.
„	2d, „	6*s.* 6*d.*	„
„	3d, „	5*s.* 6*d.*	„

The present rate is 4*s.* 7½*d.* per day, or 84*l.* 8*s.* 1½*d.* per annum, an allowance which, considering the nature of the duty, could only be sufficient on the supposition that the lieutenants should derive by means of the rewards a considerable addition to that stipend.

From the expense which will be incurred by the proposed additions to the force, and augmentation of the rates of pay, must be deducted the amount of some savings which the Board hope may accompany the measures now recommended, consisting of a reduction of horses, by which a diminution of expense will be effected to the extent of - £. 2,420 – –

And of an alteration in the rates of pay to a portion of the sergeants and privates, by which a further saving will arise of - - - 1,079 15 10

£. 3,499 15 10

We request, therefore, your Lordships' sanction to the suggestions for the proposed augmentation, as well as an authority for the reduced scale of rewards to the sergeants and privates, as specified in the annexed statement.

We feel it at the same time incumbent upon us to bring under your Lordships' notice a further suggestion, the adoption of which appears calculated to improve the efficacy of this branch of the service. Your Lordships are aware that the duty is of a very laborious and harassing nature; and that it not unfrequently exposes the men to great personal danger. For serious bodily injuries, which may have incapacitated an individual from further service, your Lordships have been pleased to grant a small pension; but for those who have retired from ill health, or in consequence of their exertions or exposure to fatigue, it has not been the practice to make any provision; we venture, therefore, to recommend to your Lordships the adoption, in this branch of the service, of the regulations under which persons of good conduct in the constabulary police are allowed, on retirement from infirmity or reduction of the force, a gratuity of one month's pay for each year of service, guarded by restrictions similar to those which prevail in that establishment.

In adverting to the subject of the expenses attending these arrangements, which will amount to - - - - - - - - - - - £. 10,300 1 9

Less the reductions proposed, amounting to - - - - - 3,499 15 10

Leaving the net additional charge - - - - £. 6,800 5 11

it is to be observed, that the rewards which it is proposed to restore on a reduced scale to the sergeants and privates, the amount of which cannot be estimated with any degree of accuracy, are not included in the foregoing sum; but whatever expense may be incurred under this head must necessarily arise out of the seizure and destruction of implements and materials used in the production of illicit spirits. From the payment, therefore, of rewards for services of this kind actually performed, the revenue could not but derive advantage.

We venture, therefore, with confidence to ask your Lordships' sanction to these several suggestions; observing, that whilst in the year 1821 the sum expended in the suppression of illicit distillation amounted to 61,569*l.* 11*s.* 4*d.*, in the year 1833 it did not exceed 37,691*l.* 9*s.* 7*d.*; and feeling strongly of opinion, that a judicious and moderate increase of the present expenditure on this account will be of great importance in the suppression of those illicit practices, from which the duties on malt and spirit, the most important resources of the Irish revenue, have so materially suffered.

We have, &c.

(signed) F. H. Doyle.
Wm. Plunkett.
W. H. Percy.
Thos. Harrison.

Excise Office,
5 July 1834.

Gentlemen, Treasury Chambers, 16 December 1834.

The Lords Commissioners of his Majesty's Treasury having had again under their consideration the Report of the Commissioners of Excise Inquiry, upon the subject of the arrangements suggested by them for checking illicit distillation in Ireland, together with your representation of the 5th July last, suggesting an increase to the revenue police for the same object; and it appearing to my Lords to be necessary, before they give any final directions upon this matter, which is one of considerable importance, that some further information should be procured from the Irish Government and the Revenue Boards of Excise and Customs, I am to desire that you will communicate with the Board of Customs, with a view of forming, if possible, for the consideration of my Lords, some arrangement by which the co-operation of the revenue police with the coast-guard may be provided for in the particular localities,

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localities, and on the particular occasions on which such co-operation may be practicable, without diverting either from the prosecution of its peculiar duties. I am, at the same time, to desire that you will transmit to this Board a statement of the numbers and pay of the officers and men of the revenue police, at the several stations and districts in which they are employed; and, also, a like statement with respect to the supervisors and all other officers of Excise employed in Ireland.

I am, &c.

To the Commissioners of Police. (signed) J. Stewart.

May it please your Lordships, 1 May 1835.

Your Lordships having been pleased, by Mr. Stewart's letter of the 16th December 1834, to acquaint us, with reference to the Report of the Commissioners of Excise Inquiry upon the subject of the arrangements proposed by them for the suppression of illicit distillation in Ireland, and also to our representation of the 5th July last, suggesting an increase of the Revenue Police Force for the same object, that it appeared to your Lordships to be necessary, previous to giving any final direction upon that matter, that further information should be procured from the Irish Government, and the Revenue Boards of the Excise and Customs; and that it was your Lordships' pleasure that we should communicate with the Board of Customs, with a view of forming, if possible, for the consideration of your Lordships, some arrangement by which the co-operation of the revenue police with the coast-guard might be provided for, in the particular localities, and on the particular occasions, on which such co-operation may be practicable, without diverting either from the prosecution of its peculiar duties: we have the honour to state that we lost no time in taking the necessary steps for carrying into effect your Lordships' instructions, for which purpose we have transmitted to the Commissioners of Customs a copy of Mr. Stewart's letter, together with an account of the establishment of the Revenue Police Force, the strength of the several parties into which it is divided, the stations where placed, and a description of the nature of the duties which the men composing that body are required to perform, to enable the Commissioners of Customs to judge of the degree to which co-operation on the part of the coast-guard might be afforded in the suppression of illicit distillation; and as it appeared to us that your Lordships' instructions contemplated the mutual co-operation of the revenue police with the coast-guard in enforcing the Customs laws against smuggling, where their assistance might be found useful and available to that end, we expressed our readiness to render every aid in our power for that purpose, when it can be given by the revenue police, without interfering with some immediate and important object of the service for which the latter force has been particularly established.

In reply, we have received from the Commissioners of Customs copies of two documents, a general memorandum, and a proposed circular prepared under their directions by the Comptroller-general of the coast-guard, and the Inspector-general of that force in Ireland, which it is proposed should be issued from head quarters to the coast-guard, with the view of enforcing the zealous co-operation of that body with the revenue police, if the arrangements contained therein shall be approved of on the part of the Excise.

The general memorandum contains the following heads of instructions; viz.:

That when the coast-guard are engaged with the revenue police in the suppression of illicit distillation, the most cordial co-operation is expected from every person in that service.

That the officer of the revenue, when he requires the aid of the coast-guard, is, when practicable, to make his requisitions in writing to the officer in command at any particular station, who is immediately to afford such aid.

That the coast-guard is not to be required to go more than six miles inland, nor to be out more than eight hours on such duty; and then only when, from the state of the weather and other circumstances, no landing is likely to be attempted on the coast.

That the revenue police, when on board the coast-guard boat, are in no way to interfere with the command of such boats.

That on shore, the senior King's officer is to take the command.

The applications from the police, for boats to take them to the islands, to be made to the inspecting commander of the district.

That when the attention of the coast-guard is required to a general search for stills, the arrangement is be made by the officer in command of the police with the inspecting commander of the district.

That corresponding instructions be given to the revenue police to assist the coast-guard in the prevention of smuggling and search for smuggled goods.

The circular letter is addressed to the respective inspecting commanders of the coast-guard in Ireland, and enjoins on their part the most cordial co-operation of the force under their command with the revenue police, or any other branch of his Majesty's forces, which may be engaged in the suppression of illicit distillation, on all occasions when such assistance can be given consistently with due attention to the important duties more especially belonging to the coast-guard, and only under such previous arrangements and precautions as may be agreed on between the inspecting commanders and the superior officers of Excise, or revenue police in each district.

We annex copies of these documents; and respectfully submit to your Lordships, that as far as an opinion can be formed at present of the arrangement, and without actual experience of its operation, it appears to us that the plan proposed is calculated to produce an effective

effective co-operation of the coast-guard with the revenue police, in the suppression of illicit distillation, within the limits and on the occasions on which such aid may be expected; and we further request, should it be your Lordships' pleasure, that the proposed plan should be acted upon; that we may be favoured with your Lordships' orders to take the necessary measures, in conjunction with the Commissioners of Customs, for completing the details of the arrangement, and preparing such instructions as may be requisite for the guidance of the respective forces.

We have the honour also to transmit, in obedience to your Lordships' directions in Mr. Stewart's letter, a statement of the numbers and pay of the officers and men of the revenue police at the several stations and districts in which they are employed, and also a like statement with respect to the supervisors and all other officers of Excise employed in Ireland.

We are, &c.

(signed) Wm. Plunkett.
J. C. Mortlock.
Hart Davis.

Excise Office, 1 May 1835.

EXCISE (IRELAND).

A Statement of the Numbers and Pay of the Supervisors and all other Officers of Excise in Ireland.

Number.	STATION.	Salary Per Annum.	TOTAL Amount of Salaries.
		£. s. d.	£. s. d.
1	Collector - - - - - - at	600 – –	600 – –
6	Ditto - - - - - - each	450 – –	2,700 – –
8	Ditto - - - - - - each	400 – –	3,200 – –
6	Ditto - - - - - - each	350 – –	2,100 – –
1	Collector's Clerk - - - - - at	200 – –	200 – –
1	Ditto - - - - - - at	150 – –	150 – –
1	Ditto - - - - - - at	130 – –	130 – –
1	Ditto - - - - - - at	90 – –	90 – –
21	Ditto - - - - - - each	140 – –	2,940 – –
77	Supervisors - - - - - - each	200 – –	15,400 – –
161	Division Officers - - - - - each	100 – –	16,100 – –
217	Ride Officers - - - - - each	100 – –	21,700 – –
21	Supernumeraries - - - - - each 38 *l.* per annum when employed	52 – –	1,092 – –
64	Assistants - - - - - - each	85 – –	5,440 – –
34	Expectants - - - - - - each 30 *l.* per annum when employed	50 – –	1,700 – –
2	Permit Writers (Dublin) - - - each	111 – –	222 – –
31	Ditto - - - - - - each	85 – –	2,635 – –
1	Ditto - (Belfast) - - - at	111 – –	111 – –
1	Warehousekeeper (Dublin) - - - at	276 18 6	276 18 6
2	Assistant ditto - ditto - - - each	140 – –	280 – –
1	Porter ditto - ditto - - - at	46 16 –	46 16 –
1	Officer, Cork Export Division - - at	100 – –	100 – –
1	Warehousekeeper (Belfast) - - - at	231 5 –	231 5 –
1	Ditto - - ditto - - - at	100 – –	100 – –
661		£.	77,544 19 6

Excise, 4 May 1835.

W. T. Thornton,
Clerk of the Securities.

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Gentlemen, Treasury Chambers, 25 May 1835.

I HAVE laid before the Lords Commissioners of his Majesty's Treasury your Report of 1st instant, upon the subject of the co-operation of the revenue police with the coast-guard in Ireland; and I am commanded to inform you, that my Lords have taken the proposed arrangements into consideration, and are pleased to give their authority, as requested by you, to complete the details of arrangement proposed, and for the issuing of the instructions necessary for the co-operation of the two forces.

I am, &c.

Commissioners of Excise. (signed) F. BARING.

May it please your Lordships,

WE beg leave to represent to your Lordships, that we have had under our consideration a statement from one of our inspectors of revenue police in Ireland, setting forth that the harvest in the north-western parts of the country is the most abundant of any that has occurred for a great number of years; that notwithstanding the present low rate of duty on spirits, the price of grain is so reduced, that if the illicit distiller can sell his spirits at the low rate of 1 *s.* 6 *d.* per gallon, it will afford him a profit of full 30 per cent. exclusive of the refuse material, which is of great value as food for cattle during the winter months in the mountainous districts of the country; and that to keep in check illicit distillation, for the carrying on of which preparations are now making in a great many places, it is absolutely necessary to materially increase the police force.

Under these circumstances, we have thought it our duty to request your Lordships' consideration of our representation of the 5th July 1834, in which we submitted that, to prevent the further progress of illicit distillation, an augmentation of the existing force was indispensably necessary; and we beg leave to add that, to make any additional force effective during the ensuing winter, the augmentation should be made without loss of time.

We are, &c.

(signed) WM. PLUNKETT.
B. PAGET.
J. C. MORTLOCK.

Excise Office,
28 September 1835.

Gentlemen, Treasury Chambers, 4 December 1835.

THE Lords Commissioners of his Majesty's Treasury have had before them your representation of the 28th September last, stating the necessity which exists of an increase of the police force in Ireland to keep in check illicit distillation; and their Lordships desire to be informed whether the representation from one of your inspectors of revenue police, to which you allude, and a copy of which you are hereby directed to transmit to this Board, is corroborated by any and what reports from the collectors and other officers of Excise in Ireland, and, if so, my Lords desire that copies or extracts of such reports may be also furnished to them.

Your report of the 5th July of last year, to which you have called the attention of my Lords, was prior to the large reduction of the Irish Spirit Duty, and, consequently, does not appear wholly applicable to the present time.

My Lords, in conclusion, have desired me to call for a return of the spirits brought to charge in Ireland during each of the quarters subsequent to the reduction, compared with the corresponding quarters of the former years.

I am, &c.

Commissioners of Excise. (signed) J. STEWART.

May it please your Lordships,

IN obedience to your Lordships' commands, signified by Mr. Stewart's letter of the 4th ultimo, with reference to our representation of the 28th September last, stating the necessity which exists for an increase of the Revenue Police Force in Ireland, to keep in check illicit distillation, we beg leave to transmit a copy of the report, which was alluded to in our said representation, of one of our inspectors of revenue police, and in corroboration of this officer's opinion as to the probable increase of illicit distillation, we beg leave to transmit also, as directed by your Lordships, copies and extracts of the following report and letters upon the subject:—

Report of the Supervisor of Hillsboro' District, dated 21st December 1835.
Report of the Supervisor of Dungannon District, dated 24th December 1835.
Report of the Supervisor of Ballina District, dated 30th December 1835.
Report of the Supervisor of Strabane District, dated 23d December 1835.
Report of the Supervisor of Limerick District, dated 30th December 1835.
Report of the Supervisor of Westport District, dated 23d December 1835.
Letter from Thomas Drummond, Esquire, dated Dublin Castle, 29th October 1835, enclosing

Letter

Letter from Major Miller, Inspector-general of the Constabulary Police in Munster, dated 27th of the same month.

A further letter from Thomas Drummond, Esquire, dated 23d December 1835, in reply to our Secretary's letter of the 17th, in which it was stated that two parties of revenue police had been ordered to proceed to the District of Kinneigh.

We likewise transmit, as required by your Lordships, a return of the spirits brought to charge in Ireland during each of the quarters subsequent to the reduction of the duty, compared with the corresponding quarters of the former years.

(signed) F. H. Doyle.
Wm. Plunkett.
Thos. Harrison.

Excise Office, 16 January 1836.

A Return of the Spirits brought to Charge in Ireland during each of the Quarters subsequent to the Reduction of the Duty, compared with the corresponding Quarters of the former years.

Quarters ended	Number of Gallons.	Quarters ended	Number of Gallons.	Increase.
10 October 1833 -	2,134,285	10 October 1834 -	2,526,571	392,286
5 January 1834 -	2,268,114	5 January 1835 -	3,061,185	793,071
5 April „ - -	2,204,440	5 April „ -	2,825,679	621,239
5 July „ - -	1,916,220	5 July „ -	2,479,455	563,235
10 October „ at 3 *s.* 4 *d.*	612,582	10 October „ -	2,865,132	338,561
10 October „ at 2 *s.* 4 *d.*	1,913,989			

Note.—It is to be observed, that the reduction of the duty took effect from 1st September 1834, and, consequently, the quarter ended 10th October in that year exhibits quantities charged at both rates of duty.

(signed) G. A. Cottrell,
First Gen^l Acc^t.

Excise Office, London,
13 January 1836.

May it please your Lordships,

Since the date of our representation to your Lordships on the 5th of July 1834, in which we recommended the establishment of 14 additional parties of revenue police for the suppression of illicit distillation and malting in certain parts of Ireland, the attention of the Board has been constantly directed to the subject, and particularly to the operation of the Act passed since the date of the Report, by which the spirit duty in Ireland was reduced in September 1834 from 3 *s.* 4 *d.* to 2 *s.* 4 *d.* a gallon. We feel satisfaction in being enabled to state, from the reports of our officers in the different districts in which illicit distillation had prevailed, that the practice on the whole has diminished, which may be fairly attributable to the reduction of the duty combined with the exertions of the present force. Under these circumstances, we do not think it would be necessary to call upon your Lordships for an augmentation of the force to the extent suggested in our above-mentioned representation; but after a careful examination of the latest returns which we have received, we are of opinion that an addition of six new parties instead of 14 would be sufficient.

We would, however, very earnestly recommend the immediate appointment of a Chief Inspector, and of an additional District Inspector, as submitted in the above-mentioned representation. In the necessity of these appointments our constant experience has confirmed us, and the pressure of business upon the two inspectors has been found so great, as not only to oblige us to forego many occasions of employing them when their services would have been most useful, and to substitute superior officers taken from the surveying branch at considerable inconvenience, but to throw their current business into arrear, to the great injury of the service.

The small increase of pay which we have already recommended, we submit, should also be granted to the inspectors and lieutenants.

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The total expense of the augmentation which we propose will, therefore, be as follows:

	£.	s.	d.
6 Lieutenants, at 5 *s.* 6 *d.* a day each, per annum	602	5	–
6 Sergeants, at 1 *s.* 10 ½ *d.* a day, per annum	205	6	3
72 Privates, at 1 *s.* 5 *d.* a day, per annum	1,861	10	–
Clothing, lodging, &c.	385	–	–
TOTAL Expense of six new parties £.	3,054	1	3
Maximum of proposed additional pay to the present lieutenants	2,532	3	9
Maximum of proposed additional pay to two inspectors, from 9 *s.* 8 ½ *d.* to 10 *s.* 6 *d.* a day	29	13	–
Pay of third district inspector, at 10 *s.* 6 *d.*	191	12	6
Forage allowance for two horses	84	8	1½
Ditto for two horses for the chief inspector	84	8	1½
£.	5,976	6	9
From which deduct proposed savings, as detailed in the above-mentioned representation	3,499	15	10
£.	2,476	10	11

This account is, however, exclusive of the salary which your Lordships might think proper to fix for the chief inspector.

We are, &c.

(signed) F. H. DOYLE.
B. PAGET.
W. H. PERCY.

Excise Office,
18 February 1836.

Gentlemen, Treasury Chambers, 9 March 1836.

THE Lords Commissioners of his Majesty's Treasury having had under their consideration your Memorial of the 18th ultimo, recommending six additional parties to the revenue police in Ireland, I am commanded to acquaint you that, upon a full consideration of the whole subject, my Lords must decline any present addition to the force of the revenue police.

My Lords are desircus of placing that force, at its present numbers, in a state of acknowledged efficiency before they consent to any increase; and, with this view, they are prepared to accede to your proposal, and to appoint a Chief Inspector; and my Lords are pleased to select Major Brereton, of the Royal Artillery, for this situation; and they consider that a salary of 600 *l.* per annum will be a proper remuneration to that officer.

My Lords are likewise pleased to approve of the addition to the pay of the district inspectors, and the appointment of a third district inspector, as recommended in your said report. I have also received their Lordships' instructions to direct you will take the necessary steps to carry the intentions of the Board into effect; and to inform you, with reference to the remaining proposals for the improvement of the revenue police, that my Lords consider it will be expedient to postpone any decision on those points until Major Brereton shall have proceeded to Ireland.

My Lords, however, will be prepared, as soon as the chief inspector shall have had sufficient time for investigation, and the subject shall be ready for their decision, to consider any proposals which shall be submitted to them for the better arrangement of the corps.

I am, &c.

Commissioners of Excise. (signed) F. BARING.

Police, 484/36.

Sir,

MAJOR BRERETON having been appointed chief inspector of the revenue police in Ireland, the Commissioners order that you conform to such directions as you shall from time to time receive from him relative to the duties of your station.

I am, &c.

Excise Office, London, (signed) JOHN NORMAN.
31 March 1836.

Appendix E.

REVENUE POLICE, IRELAND,

Appendix E.

Correspondence thereon, 1836.

May it please your Lordships, 3 August 1836.

In our representation of the 5th July 1834, we felt it our duty to submit to your Lordships certain suggestions for increasing the numbers and improving the discipline of the Revenue Police in Ireland, by the appointment of a Chief Inspector, and other regulations; and in our subsequent representations, dated the 28th September 1835, and 18th February 1836, we requested to be furnished with your Lordships' sanction to such of the proposed arrangements as were still deemed necessary in reference to the then state of illicit distillation in Ireland.

In reply to these representations, your Lordships, after requiring some further statements in explanation of the grounds of our several recommendations, were pleased to appoint a Chief Inspector; and to approve of the small immediate addition which we then recommended to the pay of the District Inspectors; and of the appointment of a third District Inspector.

But in reference to the remaining propositions, for adding to the number of the parties, and for creating a classification of the lieutenants, with a variation in the rate of the pay assigned to the several ranks, your Lordships considered that it would be expedient to postpone any decision upon those points until Major Brereton (whom your Lordships had selected for the appointment of Chief Inspector) should have proceeded to Ireland, and have reported the result of his examination into the state and management of the corps in question.

Major Brereton, having completed his inspection, has addressed to this Board an able Report; in which he states at length the measures which, in his judgment, are necessary to render this force more efficient for the performance of the peculiar and important duties for which it was established.

Before we proceed to state to your Lordships the details of the suggestions which we have to bring under your Lordships' consideration, it may be proper to observe, that the three principal objects to which the previous recommendations of this Board had been particularly addressed, were—

1st. An augmentation of the numerical strength of the force.

2d. An increase to the rates of pay in certain ranks.

3d. A more judicious classification of the officers, by which it was conceived that the discipline would be improved, and the means afforded, which the present system did not sufficiently provide, of distinguishing and rewarding meritorious exertions and good conduct.

Upon two of these points, viz., the necessity of an increase to the rates of pay, and a re-organization of the force, the views taken by the Board are fully confirmed by the result of Major Brereton's recent inspection; and the recommendations of that officer coincide substantially with those which were contained in our before-mentioned Report of the 5th July 1834, although the mode of attaining the objects may be found to vary in some slight particulars.

It, therefore, only remains for us to submit for your Lordships' sanction the substance of the arrangements which Major Brereton has on this occasion suggested, and which are fully acquiesced in by this Board, for placing this branch of the service on a more effective footing.

The force consists, at present, of a Chief Inspector; three District Inspectors; 73 Lieutenants; 70 Sergeants; and 904 Men. It is divided into 70 parties, each under the command of a Lieutenant, and each party amounting to from 12 to 15 men. A statement of the present rates of pay is annexed, in the form of an account, for your Lordships' information.

It may be proper in this place to state, that at the time at which the establishment of this force consisted of 69 parties, there were four lieutenants acting as supernumeraries, who performed the duty of absent or suspended officers; but when it was found expedient by the Board to form an additional party, which was effected, not by an addition to the numerical strength of the corps, but by a subdivision of the existing force, it became necessary to appoint one of the supernumerary lieutenants to the permanent charge of the new party; and three only are in consequence available for duty on any absence of the established lieutenants, or other sudden emergency. This number is not adequate; and it has been found necessary, on some occasions, to entrust the command and movements of a party to an officer of the Civil Branch of the Excise—an arrangement which has a necessary tendency to injure the discipline of the corps, and, as such, is highly objected to by the chief inspector; besides which, it is otherwise inconvenient, as taking the officer from the performance of his proper duties. The appointment of a lieutenant to complete the number

Appendix E.

of 74 is, therefore, recommended by Major Brereton; and in the opinion of its necessity the Board fully concur.

The defect which has in our former representations been pointed out to your Lordships, in the absence of a gradation of pay which should give the means of rewarding superior exertion and merit, it is now proposed to remedy by the appointment of 18 sub-inspectors, in lieu of 18 lieutenants, with a salary of 150*l.* per annum, to be selected from the most effective and eligible of the present lieutenants. To each of these officers the general superintendence and responsibility of four parties is to be entrusted, an arrangement which will confer the further advantage of an additional gradation of responsible officers, and ensure a regular system of periodical inspection. To effect their periodical inspections, it is proposed that the sub-inspectors should each be allowed forage for one horse, to enable them to perform this duty without additional expense to the public.

It is also proposed to provide for the charge of the parties at the stations to which the sub-inspectors will be severally attached, and which will generally be under their more immediate superintendence, without the appointment of additional lieutenants, by selecting 18 of the most deserving and intelligent of the sergeants of the corps to be placed in charge of these parties, with the title of "sub-officers," and with the daily pay of 2*s.* 6*d.* instead of 1*s.* 10½*d.* It is also proposed to cover the additional pay to these 18 sergeants, by reducing (respectively) the pay of one private at each of the 70 stations from 1*s.* 5*d.* to 1*s.* 3*d.* per diem.

To the 56 officers who will remain with the rank of lieutenant, it is proposed to give some augmentation of the amount of their present very inadequate rate of pay, which, indeed, was fixed when the established pay formed probably the smallest portion of their official income. The present rate is 4*s.* 7½*d.* per day.

It is proposed to increase it to 6*s.* 6*d.* per day.

The extra expense under this head may be met by arrangements for reducing the horses which are allowed at several of the stations for the common use of the party, discontinuing the rations of forage issued to the lieutenants.

It appears further, from the report of Major Brereton, that much inconvenience has been found to arise from lodging the lieutenants in the same house with the privates; the families of the officers becoming by these means associated with those of the men; and as the officers always occupy the larger and better portion, the accommodation of the privates is often complained of as insufficient.

It is, therefore, proposed that the lieutenants should be placed in separate quarters whenever that can be effected, which, it appears, has been found necessary by the constabulary police, and that 12*l.* a year should accordingly be allowed to each lieutenant as lodging-money; and as the necessary accommodation for the privates will be obtained at a much lower rate than the present, it is not probable that the proposed arrangement will be attended with any extra expense to the public.

Major Brereton has also suggested, that to all those parties who have served 20 years and upwards, and are incapable of further active duty, a gratuity on their discharge of one month's pay for every year of service should be granted.

By a similar arrangement, the constabulary has, we understand, already been relieved from the charge of many men who were ineffective; and the plan appears to be peculiarly calculated for keeping up the efficiency of a force necessarily requiring great bodily activity on the part of the men employed.

In order that the qualifications of the officers and men to be appointed should be properly examined, and that their efficiency should be secured, it is proposed that a depôt for discipline and probation be established at a short distance from Dublin, where, with the aid of proper instructions, the men should be taught the few and simple manœuvres necessary to the service; and where they should acquire habits of docility, and of precaution and prudence, in the use of arms entrusted to them.

The expense of this arrangement, which will, we apprehend, be found extremely beneficial in its effects, is computed to amount to 500*l.* a year; the details of which we annex for your Lordships' consideration and approval.

The only remaining point to which it seems necessary, on the present occasion, to call your Lordships' attention is the salary of the inspectors, which are still found to be very inadequate to the laborious and responsible duties with which those officers are charged, and insufficient to enable them to maintain the respectability of their stations.

Major Brereton has strongly recommended that their salaries should be increased to 300*l.*, an amount which your Lordships may probably not deem too great for such a station, and the important duties attached to it.

Your Lordships will observe that the present recommendations have been confined to such arrangements as are calculated to improve the character and discipline of the existing force; and that no suggestions are offered on the present occasion for an addition to its numerical strength beyond the small augmentation proposed for the depôt.

From the additional experience which we have had of the effects of the measure for reducing the duty on spirits in Ireland, and from the judicious arrangements suggested by Major Brereton, aided by his personal direction of the means to be placed at his disposal, we are induced to hope that the measures now recommended will supersede the necessity of the increase in the number of parties which we had suggested in our former representations.

With the view of completing the arrangements for this service as soon as possible, in order to be prepared for the commencement of the ensuing season for malting and distillation, we pray to be favoured with your Lordships' early directions.

We annex an account, in which we have recapitulated the several heads of additional expense

expense proposed to be incurred, and of the savings which may be effected in other respects, if your Lordships should concur in the suggested alterations, showing also the net additional expense, which will be found to amount to a sum under 2,500 *l.* a year.

Excise Office, 3 August 1836.

(*N. B.*—The signatures to this Report are unknown.)

Gentlemen, 15 August 1836.

I HAVE laid before the Lords Commissioners of his Majesty's Treasury your Memorial of the 3d instant, in which you submit certain arrangements connected with the proposed augmentation and re-organization of the Revenue Police in Ireland, and which augmentation is as follows:

Eighteen sub-inspectors, at 150 *l.* per annum each.

Forage for 18 horses, at 2 *s.* 3$\frac{3}{4}$ *d.* per day each.

Eighteen sub-officers' increased pay, from 1 *s.* 10$\frac{1}{2}$ *d.* to 2 *s.* 6 *d.* per day each.

Increased pay of 55 lieutenants, from 4 *s.* 7$\frac{1}{2}$ *d.* to 6 *s.* 6 *d.* per day each.

Additional pay to three inspectors, 100 *l.* per annum each.

Estimated cost of depôt, at 500 *l.*

One additional lieutenant to complete the number of 74, 118 *l.* 12 *s.* 6 *d.*; amounting in all to 6,465 *l.* 12 *s.* 6 *d.*

I am commanded by their Lordships to authorize you to carry the arrangements detailed in your said report into effect, and to sanction the proposed augmentation of the Revenue Police in Ireland; and I am at the same time to state, that my Lords are of opinion that the responsibility and duties of a Revenue Policeman require great care in the selection to fill up vacancies; that my Lords trust that the proposed depôt will, to a certain degree, contribute to render those selected qualified to fill the situation; but that, in addition to this, their Lordships consider that no party should be appointed without satisfactory recommendation as to character, and without being able to read and write; and that in every case the party should be received only upon a probation of one or two years, as may seem necessary, before he is permanently placed in the establishment of the police force; and a report should be made by the proper officers of his being fit to perform his duties, and qualified for the situation.

I am, &c.

Treasury Chambers. (signed) F. BARING.

Sir, 29 August 1836.

WITH reference to your report of the 23d ultimo, recommending various arrangements for the improvement of the discipline and efficiency of the Revenue Police Force in Ireland; and to your further letter of the 18th instant, in which you define more particularly the powers which you conceive should be delegated to you, to enable you to carry on effectively the service with which you are entrusted; I am directed to acquaint you, that the Board have submitted to the Lords of the Treasury their recommendation of various suggestions to which the previous sanction of their Lordships was considered necessary; and that they have received, by a letter from Mr. Baring, dated the 15th instant, a copy of which I am desired to annex for your information, authority for carrying into effect the following arrangements:—

The appointment of 18 sub-inspectors, to be selected from the lieutenants, at 150 *l.* per annum each.

Forage for 18 horses, at 2 *s.* 3 *d.* a day each.

Addition of 1 *s.* 10$\frac{1}{2}$ *d.* per diem to the pay of 55 lieutenants.

Addition of 100 *l.* per annum to the pay of three inspectors.

Establishment of a depôt for the examination and instruction of the men, at the estimated cost of 500 *l.* per annum.

Appointment of an additional lieutenant to complete the establishment of 74, at 118 *l.* 12 *s.* 6 *d.* per annum.

In furtherance of these arrangements, the Board will forthwith proceed to make the several promotions; and they authorize you to enter at once upon the arrangements which will be necessary for establishing the depôt in the vicinity of Dublin. With this object you will select a suitable house at such a distance from Dublin as you may think most advantageous for the service (the cost of which shall not exceed 50 *l.* per annum), reporting to the Board the several particulars.

For the establishment of this depôt you will also engage a drill-sergeant, at the rate of 3 *s.* a day, and select four privates, whom you may deem best fitted for promotion to the rank of sergeant, to be stationed at the depôt. You will also apply either the first 12 newly-appointed privates, or the same number taken from the existing parties, as you may deem most convenient, to the completion of this establishment.

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With a view to the adoption of the principle recommended by you, that all correspondence relating to the discipline of the revenue police shall pass under your observation, the Board are of opinion that for this and the other purposes of your appointment, an office should be established in which, as a temporary arrangement, three persons shall be employed as officiators; and until sufficient experience shall be had to enable the Board to recommend to the Lords of the Treasury a fixed establishment and proper rates of salary, the appointment of the first officiating clerk, who will receive at present the usual officiating allowance of 80*l.* per annum, will be placed at your disposal, the Board conceiving that the selection of a person in whom you must be able to place implicit confidence should be left to you; and for the other stations the Board will select proper persons from amongst those whose services have been temporarily discontinued in consequence of the reduction of their offices, and who have claims to re-employment in the service; but, in the meantime, and until the stations shall be finally settled, the Board, with a view to avoid the expense and inconvenience of transferring persons from the redundant list of this establishment to Dublin, authorize you to appoint two temporary officiators to assist in the business of the office, at the usual allowance of 80*l.* per annum.

I have also to request that you will propose to the Board such arrangement as you may deem most effective for the conduct of the business of your office during any temporary absence on your part, on inspections or otherwise.

The Board approve of the proposal for assembling courts, as recommended by you, for the trial of breaches of discipline, or other offences committed by the officers or privates of the revenue police, with this proviso, that the decisions of courts on lieutenants or superior officers shall, before adoption, be forwarded to the Board for their approval, accompanied by your remarks.

It is doubtful whether the witnesses in such cases can be legally examined on oath. On this point, however, the Board have called for the report of their solicitor, and the result will be communicated to you. The decisions of these courts in cases of persons below the rank of lieutenant will only require your approval to render them effective.

A statement of all such decisions is, however, to be forwarded to the Board for their information.

The punishment of offences being thus provided for, the Board concur in your suggestion that the means of reward should, as far as relates to the privates of the corps, be left in your hands, by authorizing you to promote deserving persons of that class to the grades to which they may be eligible; such promotions being duly notified to the Board.

With regard to the officers, the Board will be at all times desirous to receive your recommendation of those who may have entitled themselves by good conduct and efficiency to promotion.

As the Board are further desirous of extending your authority as Chief Inspector of the Revenue Police as far as may be compatible with their own necessary responsibility, and with that special control which, on certain points, they are required by law or the general constitution of the service to exercise, they feel justified in authorizing you to remove parties from one place to another, where it may be necessary to act promptly and suddenly upon any information of illicit practices which you may receive; and to transfer the officers or privates from one corps to another, whenever you may deem such removals essential to the good of the service.

It will, however, be necessary that the Board should be constantly informed of the stations of the several lieutenants and other officers; and as the removals in question will occasion some extra expense, it will be requisite to apply to the Board for the allowance of the charges incurred in the several cases.

With regard to any new disposition of the force by the permanent removal of parties from their stations, and the abandonment of those before occupied, you will, when you deem such arrangements requisite, propose them to the Board for their previous sanction.

It will be necessary that all detections by the revenue police of offences against the revenue laws should be reported to the Board, as at present, with as little delay as possible, to enable them to order the necessary prosecutions; but in order that you may be in possession of the fullest information of the proceedings of the force under your management, the Commissioners consider that it may possibly be desirable that the correspondence relating to these cases should generally pass through your office; and I have to request that you will furnish the Board with any suggestions which you may wish to offer on this subject.

In carrying into effect these arrangements for improving the discipline and promoting the general efficiency of the corps, it must be borne in mind that this force was originally instituted for the express purpose of co-operating with and assisting the Excise officers in the execution of certain important parts of their duty; and that the proposed re-organization of this force does not alter the original character or objects of its institution; and that, although the Board concur with you in thinking that any interference on the part of officers, of whatever rank, belonging to other branches of the service with the direction, movements or control of the parties, would be highly prejudicial to the discipline of the corps under the proposed arrangements, many cases must necessarily arise in which the assistance of the revenue police may be requisite; and where the emergency may be so sudden as not to admit of an application for such assistance from the proper officer to yourself in Dublin, in such cases the officer will be authorized to forward to the sub-inspector a statement of the

the nature of the assistance deemed requisite; and if such assistance is withheld, the sub-inspector will be regarded as responsible, and he will be required, in all cases, forthwith to report the circumstances to you for the information of the Board.

(signed) J. C. Freeling.

Major Brereton, R.A.,
Custom-house, Dublin.

Depôt.

Honourable Sirs, Dublin, 25 October 1836.

I have to inform the Board, that the depôt is now ready for the reception of men to be passed there through a course of instruction. I have appointed for its superintendence a sergeant of the horse artillery, at the daily pay of 3*s*., temporarily, until I can ascertain whether the Master-general of the Ordnance will permit his discharge from his own corps. I have selected from the revenue police 12 privates, men of the best character I could find; and I have the honour herewith to transmit a list of these men, who have been ordered to come to Dublin and to join the depôt.

From this list I shall be enabled to select two for promotion as sergeants, of which I will inform the Board.

I have, &c.

Honouarble the Commissioners of the Excise. (signed) Wm. Brereton.

Return of Privates of Revenue Police, ordered to the Depôt for Instruction.

RANK.	NAMES.	Age.	Height.	Number of Party.	STATIONS.
			ft. *in.*		
Private -	John Walker - -	21	5 8	2	Laremount.
„ -	Samuel Turner - -	21	5 9½	7	Buncranna.
„ -	George Cole - - -	20	5 10	9	Churchill.
„ -	Alexander Cassidy -	21	5 10	„	- ditto.
„ -	John Gilhooly - -	24	5 8	„	- ditto.
„ -	Thomas Prosser - -	22	5 8	17	Ballyshannon.
„ -	James Irvine - -	29	5 6½	„	- ditto.
„ -	Francis Elwood - -	22	5 9½	„	- ditto.
„ -	Robert Cox - - -	29	5 8	21	Killeter.
„ -	William M'Nutt - -	23	5 8	22	Stranorlar.
„ -	John Haslam - - -	22	5 8	„	- ditto.
„ -	Joseph Young - - -	21	5 11½	„	- ditto.

Dublin, 25 October 1836.

APPENDIX F.—(No. 1.)

Appendix F.

CHIEF INSPECTOR'S REPORT as to the State of the REVENUE POLICE, and various Suggestions offered by him.

Honourable Sirs, London, 23 July 1836.

THE Revenue Police in Ireland consists of one Chief Inspector, three Inspectors of Districts, 74 Lieutenants, and 974 men, of whom 70 are serjeants. The force is divided into 70 parties, each under the command of a lieutenant, and each party amounts to from 12 to 15 men each.

In the inspectional tour I have just completed, I visited every station; have seen every individual belonging to the corps, inspected its arms and equipment in the minutest detail, and can now describe its present state, and offer suggestions as to the measures which, in my opinion, are necessary to render it what at present it is very far from being, a well-organized and well-disciplined force.

But as the subject of illicit distillation in Ireland is one which is in intimate connexion with the preceding subject, and as I found it altogether different from the expectation I had been led to form before making my circuit, I must first state a few observations upon that point.

From all the information I could obtain, whether from the journals of lieutenants in charge of still-hunting parties, or from persons whose occupations render them most observant as to this practice, I was led to the conviction that illicit distillation has sustained a great check in Ireland, and that it is now little prevalent, except in the county Mayo, and in one small district in Innishowen.

I am aware that the period of the year during which I made my inspection is that when there must ever be a relaxation in this practice; but I did not confine my inquiries to the operations of the last three or four months; they were extended to those of the last winter; and still I am of opinion that during the past 12 months, the loss to the revenue from the sale of illicit spirits has, by comparison with that of several preceding years, been very inconsiderable.

The exertions of the revenue police have done much towards its suppression, and very much has been effected by the reduction of the duties upon Irish spirits; and it is now become the interest of the retailer to purchase only the legal spirit. Nothing, I believe, now induces the use of poteen, but a lingering prejudice on the part of the lower classes that it is "more wholesome" than legally distilled whiskey. At Ballina, county Mayo, poteen is sold at 4*s.* the gallon; legal whiskey is vended at 6*s.* 2*d.*; but the smuggler measures by the old Irish gallon, and his spirit is always 12 per cent. below proof. The legal distiller uses the imperial gallon, and the spirit is 25 per cent. above proof; so that the difference of strength alone gives the purchaser of the lawful article an advantage which fully counterbalances the difference of price, without taking into consideration the difference in quantity, which is, however, considerable; and, moreover, all risk is avoided.

The opinion I have expressed as to the dormant state of illicit distillation is, I know, not in accordance with the reports so constantly arriving at the Treasury and the Board of Excise, of the continued prevalence of the practice. My own attention was repeatedly called to its alleged existence in places where no revenue police is stationed. Upon my arrival in those places I made the necessary inquiries; but I never found confirmation of the statements. The presence of a party of police is always desired in a small town; but less, I believe, for the benefit of its services in suppressing illicit distillation, than for the advantage conferred by the outlay of the money it costs Government.

If, however, illicit distillation be at present quiescent, another description of fraud upon the revenue is becoming more and more prevalent, and is spreading rapidly—I mean the illegal manufacture of malt; and it is the opinion of the legal maltsters and distillers, that some legislative check is necessary to protect the fair and legal trader. They consider that it would be desirable to re-enact the law by which it was imperative that malt in transit should be accompanied by a permit, or, at least, a certificate from the manufacturer. A general opinion prevails that this contraband is encouraged and purchased by licensed distillers; not, of course, of the respectable class.

Although I believe that illicit distillation is checked at present, I do not consider that the least relaxation, as to the preventive measures, could as yet be resorted to with safety; the evil dormant now, would speedily recover energy under such relaxation; but I entertain the hope that Ireland may be placed, at no distant period, in a similar position to that now happily enjoyed by Scotland, as regards this most demoralising practice; and, therefore, I think measures should be adopted immediately for such an organization of the revenue police as will ensure to the Government at that period a corps well disciplined and efficient, which may be transferred to some other establishment, as, for instance, to the constabulary.

Men are easily controlled under the strong incentive of great gain or booty; they even voluntarily fall into a sort of organization; but become turbulent and lawless when that common object shall have ceased. When seizures were frequent and valuable, this incentive operated with the revenue police as a substitute for discipline; now that bounties are infrequent, it has become necessary to institute a surer and better system.

The

The law has given to this corps powers stronger and more summary than to any other armed force in the empire; the utmost precaution, therefore, in the selection of men and officers, and their being subjected to rigid discipline before entering upon their duties, is the more absolutely necessary. Yet hitherto, unprepared by habits of moral control, and taking to the service all the excitability of their class, they have in too many instances converted their arms into instruments of vengeance in private quarrels, or used them without orders from their officers, upon a slight appearance of obstruction in their duties.

I propose that, for the future, all officers and recruits be made to pass through a depôt for discipline and probation; that this depôt be established at a short distance from Dublin, where, with the aid of proper instructions, I shall have them taught the few and simple manœuvres necessary to their service, of which at present this corps is entirely ignorant, and cause them to acquire habits of docility, and learn the necessity of precaution and prudence in the use of the arms entrusted to them.

The privates of this force are so well paid, and appointments to it so much desired, that none but the very best description of men need be engaged; and I propose that in future the recruits be passed by the inspectors of districts, who must necessarily be more interested in performing this duty correctly than supervisors, to whom it has been hitherto entrusted, and that immediately upon engagement they be sent for the purpose before-mentioned to the depôt.

I propose that all the men now in the corps who are of bad character be discharged, and that those who have served faithfully during 20 years be also discontinued, but receiving a gratuity of one month's pay for every year of service; such has been the arrangement by which the constabulary has relieved its service from the necessity of maintaining men no longer useful to the establishment.

The minute returns I have made out of every station, which give descriptions and characters of every individual in the revenue police, will enable the Board to form the necessary conclusions in case they consider it desirable to adopt the proposal.

Hitherto the great defect in the revenue police has been the absence of a regular gradation of responsible officers, hence there has never been a regular system of periodical inspection. The lieutenants in charge of stations have been left almost without control, or at least a control which ensured the efficiency of the service. The Board of Excise, aware of this defect, has been under the necessity of charging their civil officers with the duty of visiting, of inspecting, and, in some cases, even of directing the movements of their armed force; this has operated injuriously to the discipline of the corps, and the check intended to be established has been of too desultory and too irresponsible a nature to be effectual. Supervisors have been depended upon for the prosecution of prisoners made by the police; but from the constant and great employment of those officers in their own duties, these prosecutions have been often long delayed, or suffered to lapse; nor can they be supposed to be fit judges of the qualities necessary for an armed force, or of the state of discipline of the men after they have joined it.

With a view, therefore, to a regular system of periodical inspections, I propose that 18 sub-inspectors be appointed, and that they be selected from the most gentlemanly and most effective of the lieutenants; that their salaries be 150 *l.* per annum; that they be entrusted with the charge of four parties; that they be held responsible for the discipline of these parties, and for keeping illicit distillation in check within their sub-inspectoral districts; and that being stationed with one of the parties, they be required to visit each of the other three once during every fortnight, transmitting returns monthly, containing every particular relating to the station, and that prosecutions be conducted by them.

I propose that these officers be allowed forage for one horse, to enable them to perform their inspections without additional expense to Government.

Eighteen lieutenancies will thus become vacant: I do not consider it necessary to fill these up, for as each sub-inspector will be placed with a station, the party there may be in charge of an officer inferior to a lieutenant, to be selected from the most deserving and most intelligent of the serjeants of the corps, with the daily pay of 2 *s.* 6 *d.*, and with an altered title as "Sub-officer," furnished with an authority required by law to effect seizures. The additional pay to these 18 serjeants may be covered by suffering one private to serve at each of the 70 stations at a reduced rate of daily pay, viz., 1 *s.* 3 *d.* instead of 1 *s.* 5 *d.*; this arrangement to be prospective in new appointments.

Fifty-six lieutenants will now remain, and I propose that the present very wretched condition of these officers be improved. Their salaries were fixed at a period when their pay formed the least part of their incomes; that derived from seizures, &c., made the larger portion; now that so few occur in most of the stations, and in many none whatever, it would be desirable to raise their pay from 4 *s.* 7 ½ *d.* to 6 *s.* 6 *d.* per diem. The expense of this proposed increase will be cancelled by a subsequent arrangement, namely—

There are at present 30 stations, at each of which a public horse was purchased, and maintained by the Board of Excise, and the lieutenants at those stations were allowed forage for a horse also: the public horses have been diminished to 21, but the 30 lieutenants still receive their forage; thus the Board pays for 51 rations of forage daily. I do not consider that this expense is at all necessary to the efficiency of the service, and I recommend its total discontinuance; then, taking into consideration the cost of the public horses, of the forage, the hire of stables, expense of stable articles, and of saddlery, I calculate that this saving will cover the additional pay to the lieutenants.

The lieutenants are at present lodged in the same house with the privates, where one is hired. I found this arrangement to be productive of much inconvenience. The families of the officers become associated with those of the men; and as the officer always takes the

Appendix F.

larger and better portion, the privates are often ill accommodated; a rent, too, in order to obtain a house capable of lodging the officer, much higher than would otherwise be necessary, is paid. It would be preferable in all respects that an allowance of 12 *l.* per annum should be made to the lieutenant to provide himself with a lodging; and this arrangement would cause no greater expense than at present.

Under the foregoing proposal to appoint sub-inspectors, it will not be necessary to increase the number of inspectors of districts; and their districts may be made co-equal in extent; their duty will be to receive returns from the sub-inspectors, and to send returns quarterly to the chief inspector in Dublin, communicating to him, for transmission to the Board, notice of all extraordinary occurrences within their districts. The inspectors should visit the stations once in each half-year, in order to inspect the clothing, the arms, and state of discipline, &c. There were, until lately, only two inspectors; and no intermediate grade between them and the lieutenants. The labour the inspectors had to perform may be estimated from the fact, that each had to reply to two thousand letters; and to travel five thousand miles annually, not upon regular inspection, but to inquire into casual occurrences taking place at stations. A third inspector has been recently added, but as, in assigning to him a district, I purposely made it of such an extent as that the control of it was possible, his appointment will not sensibly add to the efficiency of the service, unless the proposal of appointing sub-inspectors be adopted.

I do not consider that the present salary of 200 *l.* per annum to the inspectors is adequate to enable them to maintain the respectability of their stations; and I propose an addition to their incomes of 100 *l.* per annum.

I found, upon inspection, that the clothing of the corps is of a very inferior description; although issued last January, it is already much worn; none had been served out previously during 21 months; thus the old suits could not be made available to save the new issue. It will be necessary that the men be supplied with a fatigue-jacket each as soon as possible; but as the great-coats lately furnished are not subject to hard use, I propose that they be made to last three instead of two years, to cover the cost of the jackets.

I propose that the clothing be in future contracted for immediately after the last issue for the year; thus leaving to the contractor no excuse of having been hurried in providing it; and I recommend that a Board of inspection, composed of persons unconnected with the Excise police, as for instance the Quartermaster General's department in Dublin, be charged with passing or rejecting it, by a comparison with sealed patterns, to be kept in the chief inspector's office.

The equipments, as shakos, cross-belts, &c., are in a wretched condition from long use; they are of every variety of pattern; and were, originally, ill adapted to the service of this police. I request to be allowed to suggest others of more convenient forms, which, contracted for and examined like the clothing, may be issued to the corps with as little delay as possible.

It has been the wish of the Board of Excise to obtain the co-operation of the coast-guard and constabulary with the revenue police; and although I think that Government has wisely acted in keeping separate establishments, intended in aid of the municipal institutions from those acting under the fiscal regulations of the country, yet I believe that assistance may be derived from them highly valuable, and at the same time not diminishing their efficiency as regards their own special duties.

The coast-guard may be charged with the prevention of illicit distillation in the smaller islands off the coast which are within view from their own stations; and when parties of that service, and of revenue police, are stationed in the same places, the coast-guard may be required to take care of and to repair the boats belonging to the Excise. At present the wear of these boats is unnecessarily great, from the want of skill of the revenue police in the care of them.

From the constabulary, assistance may be derived which would greatly add to the efficiency of the revenue police; this would be by charging the former with the duty of escorting prisoners made by the latter. The parties of revenue police do not, upon an average, exceed 13 men each. To supply escorts for lodging prisoners in a gaol, which must be that of the county in which the offence was committed, often occasions a suspension of still-hunting duties during several days. When I visited Ballycastle, I found the party there preparing to escort prisoners to the gaol of Castlebar, a distance to and from of 60 Irish miles. If the constabulary had been charged with that duty, their march would not have exceeded, at the utmost, 12 miles, by passing their prisoners from one police-station to another.

Hitherto, the Board of Excise has delegated no executive powers, as regards its armed force, in Ireland. The disposition and removal of parties; the placing of officers and of each individual private; the punishment of offenders: these, and a variety of minor details, have been made subjects of correspondence between the Board and each class of its officers; the only power delegated was, that of suspending a private for conduct, however mutinous or otherwise culpable. The lieutenant in charge of the party then reported the occurrence to the Board of Excise in London, who referred the matter to the inspector of the district, who was ordered to proceed to the spot to investigate the matter, and to report his opinion to the Board; who, upon that opinion, either dismissed the offender, or, as a minor punishment, directed his removal to another station, where he was received without any notification as to his character: thus the benefit of prompt example absolutely necessary to a corps circumstanced as is the revenue police was lost, and the man remained suspended perhaps for months, endeavouring to corrupt the rest of the party, and making recriminations against his officer.

I propose

I propose the adoption of courts for the trial of offences in future.

That immediately upon report made to the inspector of a district that a private has been suspended by the lieutenant or sub-inspector in charge, he shall have power to order the assembly of a court, composed of a sub-inspector and two lieutenants, for investigation of the charges; that the evidence be received upon oath. That the court have the power to pass sentence to the extent of dismissal; and the proceedings and sentence, in writing, be forwarded to the chief inspector, who will have the power of approval and revision, and ordering the sentence into execution.

In future cases of delinquency of officers of the rank of lieutenant, I propose that upon report of the case to me, I have the power of ordering the assembly of a court, composed of an inspector of a district and two sub-inspectors, for investigation of the charges; and that this court have power to sentence to the extent of dismissal; and that I have the power to confirm, to revise, or order the execution of the sentence. In cases of serjeants and privates, appeals may be made to the chief inspector; in those of officers to the Board.

To enable me to be useful at all, I feel called upon to solicit the Board to entrust we with executive powers equal in extent to those which, for the maintenance of discipline in an armed force in Ireland, it has been found necessary to give to the officer in the chief command of the constabulary force.

I will never act but in the name of the Board of Excise; will constantly keep it informed of every measure I shall have been called upon to take in its service; but without such delegated powers, I feel that my office would be a useless one, and my position far from enviable; for I shall incur responsibility for the future conduct of this corps, without the means of maintaining its discipline as an armed force.

I am soliciting for this establishment the principle of centralization, a principle found necessary in the construction of every organized body—that a regular gradation of responsibility be formed from the most inferior to the highest of its officers, who will himself be responsible to the Board for the whole.

Under this system, all correspondence would be made to pass through the chief inspector to the Board; and he would be made the channel of communication from it to the revenue police.

Thus all the casual travelling on the part of the inspectors would be avoided; and the greater part of the hitherto vast correspondence reduced to a simple system of regular returns.

I have, &c.
(signed) Wm. Brereton, Major Royal Artillery,
Chief Inspector.

	£.	s.	d.
Increased pay to 3 inspectors	300	–	–
Ditto to 18 lieutenants appointed sub-inspectors	1,180	15	9
Forage to ditto, 1*s.* 6*d.* per diem	492	15	–
Supposed cost of depôt	500	–	–
Total increased Expense £.	2,473	10	9

Depôt.

	£.	s.	d.
Rent of house	50	–	–
1 Drill-serjeant, at 3*s.*	54	15	–
4 Serjeants from privates, 5*d.*	30	8	4
12 Privates, 1*s.* 3*d.*	273	15	3
Clothing to ditto, at 5*l.*	60	–	–
Ditto to 1 drill-serjeant, at 7*l.*	7	–	–
Fuel, &c.			
	475	18	7
Fuel, &c. &c.	24	1	5
£.	500	–	–

I propose to engage an excellent non-commissioned officer from the army as a drill-serjeant, and to take charge of the depôt.

I propose to bring from four parties, one man from each, the best private I can find; to promote these four privates to serjeantcies.

To engage 12 men, in addition to the present strength of the revenue police, at 1*s.* 3*d.* per diem.

The four serjeants and 13 men to be drilled and disciplined; and when sufficiently so,—

To send one serjeant and four men to replace the like number from three parties at the same time, who will be brought up for instruction.

The above arrangements to be in addition to that of drilling recruits upon first appointment.

(signed) Wm. Brereton.

Appendix F.

APPENDIX F.—(No. 2.)

ORDERS for the Guidance of OFFICERS and others in each Rank of the REVENUE POLICE.

INSPECTOR.

THE Inspector is to visit each station of his district at the periods ordered by the Chief Inspector. At these inspections he is to ascertain whether or no the several regulations and orders of the Commissioners, and the Chief Inspector, have been carried into effect, if the officers and men are efficient and well instructed, whether any individual has any complaintto prefer, what is the state of the barracks, furniture and all public property at the stations: he is to make himself acquainted with the character of each officer, both as regards his public duties and his general conduct as a gentleman; and upon the completion of his inspection, the Inspector is to report to the Chief Inspector upon each of the foregoing subjects. Applications for leave of absence, to rest from duty in consequence of illness, reports of frauds upon the revenue, results of prosecutions and of judicial courts, are to be sent direct to the Chief Inspector by Sub-inspectors. With the foregoing exceptions, all reports and communications are to be received and transmitted by Inspectors of districts, with their opinions thereon, to the Chief Inspector.

WM. BRERETON, Lieut.-Colonel.

SUB-INSPECTOR.

A SUB-INSPECTOR commands a division composed of four parties: he is responsible for the discipline and correct conduct of the whole, and for the suppression and prevention of illicit distillation, and all other frauds against the revenue within his divisional district; the divisional district extends to 13 Irish miles from each of the four parties; but the Sub-inspector has authority, when he shall have good reason to believe that illicit distillation or manufacture of malt is being carried on without his district, to direct the operation of his parties to its detection, and to sanction their absence from their stations to the extent of three days and two nights; but he is not to direct a party to perform such extra duty within the sectional district of another party; for it is the ordinary duty of the officer in charge of a station to keep his own district at all times free from illicit distillation and malting. To enable the Sub-inspector to ascertain that such is done by his officers, he is to make himself perfectly acquainted with the geography of his divisional district. The Sub-inspector is to visit each *station* of his division once in every fortnight; that is, at the expiration of 14 days' time from his preceding visit, notifying to the officer in charge on which day he will visit the station; and he is to insert upon the journal of a party, at the correct date, that he has so visited the station, that he has inspected the party, and all public property; that he has ascertained that there are no complaints (or otherwise), and that he has read, in the hearing of the party, the journal of its proceedings since his last visit, to which no objection was made by the men (or otherwise); and should the Sub-inspector find, upon his visit, that any complaint is made by the men of injustice towards them, or any objection to the contents of the journal, or that any disobedience of orders on the part of the officers or men shall have been committed, he is specially and immediately to report thereon. A Sub-inspector is to reside where one of his parties is stationed: he is personally to pay the party at that station, and is himself to attend to its discipline and order. It is the duty of the Sub-inspector to enforce obedience to all orders which have been or shall be issued for the guidance of the Revenue Police by the Commissioners of Excise and the Chief Inspector, and to report any deviation therefrom in the usual manner. It is his duty also to report any failure on the part of his officers in the execution of their duties, and in their conduct as gentlemen. In order that the Sub-inspector may be enabled to ascertain that all persons under his command are instructed in the manœuvres and use of arms, as explained in the regulations thereon, he must himself become well acquainted therewith; and if it be found that he is not so, he will be considered unfit for his office. The Sub-inspector is charged with the duty of conducting in person prosecutions upon orders from the Commissioners; and to do this correctly, he is to make himself thoroughly acquainted with the several Acts of Parliament applicable to such cases. All reports, with the exceptions contained in the instructions to Inspectors, are to be made by Sub-inspectors through their Inspectors. A Sub-inspector draws pay upon abstracts, in advance, for a round for himself and for all persons under his command; he is to issue pay to officers at his out-stations for themselves and their parties in the manner prescribed by the regulations. It is the duty of a Sub-inspector carefully to examine the still-bills and journals of his parties at the end of each round, and to report upon their *correctness*, and whether the duties have been fully and properly performed.

WM. BRERETON, Lieut.-Colonel.

LIEUTENANT.

LIEUTENANT.

A LIEUTENANT commands a party, subject to the orders of the Divisional Sub-inspector; all reports and all applications are to be transmitted by him through his Sub-inspector. A Lieutenant is held responsible for the discipline of his party, and for its perfect instruction in the drill, as established by regulation. All offences committed by persons under his command are to be inserted upon his journal, and to be specially reported in writing: he is to suspend men of his party guilty of the following offences: intoxication, whether upon duty or otherwise, disrespectful or insubordinate conduct towards the Lieutenant or Serjeant of the party, violent and disorderly conduct, abusive language to, striking or ill-using a comrade, civilian, or a person belonging to the army or constabulary, violent conduct in exercising the duty of search, drawing bayonets or discharging arms without especial orders from officers, suffering the escape of a prisoner, collusion with offenders against the laws, failing to give full and true evidence before magistrates and judicial courts when called upon as witnesses, absence without leave from the party while out upon duty, absence without leave from roll-calling or after the roll has been called, being in a public-house where liquor is sold, unless in the presence of an officer of the Revenue Police, neglect of the duty of guard and cook, abuse of arms, clothing or barrack furniture.

The Lieutenant is held responsible for the prevention and suppression of illicit distillation and malting within the whole of his sectional district: a sectional district extends to every point at a distance from the station of 13 Irish miles. He is never to suffer his party to quit the station upon duty unless actually accompanied by himself. He is not to suffer seizures or arrests to be made except in his *actual* presence. He is to march the party from the station when proceeding upon duty; he is to remain with it during the whole time it is out upon duty, and he is to march with it home to its station after the day's duty has been performed. A Lieutenant is not to perform duty with his party on horseback, but is to march on foot: to ride while his men are walking is productive of much inconvenience to the public service and to the men, for the strength of the party is diminished by one man or more being employed to take charge of the officer's horse when he has to dismount, and the men are forced to an accelerated pace to enable them to keep up with the officer. A Lieutenant is required to keep a regular journal, according to the established form, in which every occurrence of the day is to be fully detailed, setting forth all the operations of the day's duty, the number of miles travelled, the towns or villages visited, the parishes and counties in which those places are situate; the journal to be signed by the Lieutenant and the Serjeant at the end of each day's entry. Lieutenants and Serjeants of parties are to declare before a magistrate, at the close of each round, *that the whole contents of the journal*, and of the still-bill (which is to accompany the journal), are true. One copy of the journal is to be transmitted to the Board of Excise, and the other copy to be always at the station for examination, and to be handed over as public property by a Lieutenant to his successor when removing from a station. Upon the still-bill is to be given a correct roll of the men doing duty at the station for the foregoing round; and opposite to the name of each man, the number of days he was absent from duty during the round, in consequence of illness or other cause; and also if he belong to another party, and is temporarily attached to the station, the number of his proper party is to be placed opposite to his name. When men are detached in charge of prisoners, or upon other duty, the Lieutenant is to give to the person in charge of the detachment an order in writing, specifying the hour at which it is to leave the station, and that upon which it is to arrive there on its return. The Lieutenant is to inspect the arms, ammunition, clothing, &c. of the detachment on quitting, and on its return to the station. A Lieutenant is to pay the party under his charge upon the Saturday in each week for the week expired, inserting on the journal that he has done so, or the cause of not having so paid the men their week's pay: he is to keep a cash-book in the prescribed form, in which he is to enter each sum received by him on account of pay for himself and party, or for rewards, or upon any other occasion, accounting exactly in the cash-book for the disposal of each sum; and this book to be produced when required by any superior officer; and it is to be left with his successor, as a public document, when he shall leave the station. The Lieutenant is daily to inspect his men, their clothing, accoutrements, arms, ammunition, the barracks and furniture, the store and its contents. He is to inspect daily the mess accounts, and twice in each week he is to visit the party whilst at dinner, and is then to inquire from them if they feel satisfied with the quantity and quality of the provisions purchased, and with the correctness of the mess accounts. One private being always left in the barrack as a guard, he is also to be the cook for the mess; and if he perform that duty correctly, is entitled to a share of whatever rewards may accrue to the party on detections made during the day. The duty of guard and cook is to be taken by every private in succession, and no man to be so employed until every other of the party has been so in turn. Lieutenants are to obey all orders they may receive from officers of the Revenue Police superior to themselves in rank; but they are more immediately under the command of their own Sub-inspectors. It is an essential part of the duty of a Lieutenant to be well acquainted with the Excise Acts of Parliament, especially that of 1 & 2 Will. 4, c. 55. A Lieutenant must be thoroughly acquainted with the geography of his sectional district, and he is held responsible that the duties of search, arrest of prisoners, and other duties are performed with gentleness, but with firmness and decision, that all altercation and all unnecessary violence be avoided, and that the proceedings be conducted strictly according to law. All reports made by Lieutenants are to be transmitted through their Sub-inspectors.

Appendix F.

Discipline is the moral control acquired by the few over the many: severity will not create or maintain discipline; the most effectual means for doing so are justice, equability of temper towards those commanded, and, above all, strictly honourable and correct conduct, both public and private, on the part of persons who command: a failure in any one of these qualities renders discipline impossible in a civil force; for in such obedience is almost wholly voluntary, because the men composing it cannot be retained without their own consent, and obedience is never willingly rendered to a person whose own conduct does not prove him to be superior, in all respects, to those over whom he is placed.

Wm. Brereton, Lieut.-Colonel.

SUB-OFFICER.

A Sub-officer has charge of the party stationed where the Sub-inspector resides. He is to observe all the regulations prescribed for Lieutenants, except that he has no power to suspend men, and that he does not pay the party. All offences committed by the privates under his charge are to be reported by him to the Sub-inspector immediately and in writing, and there being no Serjeant attached to his party, the Sub-officer is also to be guided by the orders which are laid down for the observance of Serjeants as to the care of barracks, furniture, clothing, arms, &c. for warning the privates for duty, for keeping a correct roster, for parading and inspecting the party before proceeding upon duty, for calling the roll at night, for keeping the mess accounts, and for the proper management of the mess, but he is not to mess with the party. The Sub-officer is responsible that his party be perfectly instructed in the established manœuvres, and if he be himself unable to drill his men, he will be replaced in the rank of Serjeant. The Sub-officer is not authorized to arrest persons, except those detected in offences declared such by the 19th, 25th and 30th sections of the 1st & 2d Will. 4, c. 55, with which Act the Sub-officer is to make himself thoroughly acquainted.

Wm. Brereton, Lieut.-Colonel.

SERJEANT.

A Serjeant is responsible for the proper care and constant cleanliness of the barracks, and for the instruction of the privates in the care of the arms, ammunition, clothing, accoutrements and barrack furniture. The Serjeant is to report immediately, and in writing, to the Lieutenant any failure on the part of the privates as to the foregoing points, and all other offences they may be guilty of, with which the Lieutenant is not already acquainted. The Serjeant is to warn privates of the duties they are to perform of guard and cook; and as no private is to be a second time employed upon this duty, until every other man has, in his turn, performed it, the Serjeant is to keep a correct roster of duty. When a parade shall have been ordered, the Serjeant is, before the arrival of the Lieutenant, to inspect each man of the party, and he is to report to the Lieutenant as to the cleanliness of the men, and whether or no the arms, ammunition, clothing, &c. have been found by him to be in a proper condition, and if the men are all present. The Serjeant is to inspect the men composing escorts before leaving the party, and also upon their return from that duty he is to call the roll at night, at the proper hour, and to report to the Lieutenant whether the men were all present or otherwise, and he is responsible that no man quit the barracks after the roll has been called during the night. Serjeants are to treat the privates with gentleness, but firmness; they are to instruct them in the performance of the duties required from them; they are to advise them for their best interests, but are not to be on terms of familiarity with them. Serjeants are responsible for the proper management of the messes, for keeping the accounts of them according to the regulations, for the prompt payment of all bills. Serjeants are to mess with the men, and contribute in the same proportion to the expenses of the messes. It is the duty of a Serjeant, upon the arrival of the party from still-hunting, to cause the men to go to their sleeping rooms, to *see* that they put off the clothes they have on, to hang them carefully up to dry, and that they put on others; and the Serjeant, while they are doing this, is to order the cook to set out the dinner, so that no delay may take place in the party's sitting down to their meal when they shall have laid aside their still-hunting clothing, and dried and deposited their arms.

Wm. Brereton, Lieut.-Colonel.

PRIVATES.

It is the duty of privates to obey implicitly all orders they may receive from time to time from their superiors, to be neat and clean in their appearance and dress, to take every possible care of their arms, clothing, ammunition, accoutrements, and of all public property intrusted to their charge; never to be under the influence of liquor, never to enter public-houses where liquor is sold, unless when accompanied by the Lieutenant or Sub-officer, or other person in command of a party; never to draw their bayonets or discharge their pieces, unless specially ordered to do so by their officers; never to make seizures or arrest persons except in presence of, and by command of a person holding a commission in the revenue police, and when doing so, to abstain from all violent or abusive language; they are never to enter into dispute or altercation with persons from whom seizures are made, and all prisoners

soners are to be treated with gentleness and forbearance, as far as is consistent with their secure custody. Privates may depend upon the Chief Inspector causing strict justice to be done to them, that they shall receive their pay regularly, and their shares of rewards when issued; but, on the other hand, he expects from privates that they conduct themselves respectably and orderly, that they endeavour to uphold the character and credit of the corps they belong to, which can be done only by being neat and clean in their persons and dress, by abstaining from spirituous liquors, by respectability of demeanour, by observance of their religious and civil duties, and by a strict obedience to all orders and regulations of their corps.

When a private shall feel himself to be aggrieved he is to write his complaint, addressed to the Chief Inspector, and present it respectfully to his Lieutenant or Sub-officer, to be forwarded through his Sub-inspector and Inspector; but privates are not to make complaints of a frivolous or groundless nature; if their complaints are just they will be redressed by the Chief Inspector, but if they are found to be malicious and untrue, the privates preferring them will be discharged.

Wm. Brereton, Lieut.-Colonel.

REGULATIONS for Management of the Mess of a Party.

Subjected, as is a party of Revenue Police, to duties requiring their constant absence from their barracks, duties which are laborious, it is necessary that the men should be provided with good and sufficient food, that it should be prepared for them, and justice and consideration to the interests of the men require that this should be done on the most economical terms. The Chief Inspector holds Lieutenants and Sub-officers responsible for the due observance and enforcement of the following regulations for the management of the mess of parties.

Every man to be provided with a knife, fork, spoon, plate and pint basin, at his own expense: articles requisite for cooking to be provided at the joint expense of the party.

Three meals daily are to be provided for the men, the first meal or breakfast to consist of bread, coffee or tea, or cocoa, sugar and milk; the second meal or dinner to consist of one pound of meat,* with a plentiful quantity of potatoes; the third meal to be similar to the first meal or breakfast; the Sub-officer or Serjeant of the party, accompanied by one of the privates, every private taking this duty in rotation, is to purchase the several articles of provision required for the mess; he is to take receipts for each article purchased; he (the Serjeant) is to insert each item in a book belonging to the mess, and he is to attach to the book the several receipts; the book is to be laid each Saturday upon the table of the mess, for the purpose of enabling every private to examine it, and to satisfy himself that the mess accounts are honestly and economically kept. The Lieutenants of parties, and the Sub-inspectors at their own stations, are at least twice in each week to visit the mess while the parties are at dinner, and are to inspect the mess accounts daily, and they are to inquire whether the men feel satisfied with the provisions and with the accounts. Each man, upon receiving his weekly pay, is to contribute his proportion to the expenses of the mess in advance; he is in no case to be called upon for a sum exceeding 10 *d.* per day; but there are few stations at which the sum should be, with proper management, greater than 8 *d.* per day.

Wm. Brereton, Lieut.-Colonel.

CERTIFICATES.

Certificate of a Sub-Inspector that he has visited and inspected a Party at its Station.

I have visited this station at this date; I have inspected the party, its arms, ammunition, clothing, and also the barrack and barrack furniture; I have read aloud to the party the journal for the period elapsed since my last visit, to which no objection was made (or otherwise); I have ascertained that the party has received its pay regularly, and that the men are satisfied; they preferred no complaints (or otherwise, as the case may be).

Date (signed)

Certificate of Lieutenants and Sub-Inspectors upon Monthly Returns of having paid the Parties.

I certify, upon my word and honour, that I have paid this party regularly, upon each Saturday during this month, its pay for the week when it became due, and that I have not advanced to any man any portion of his pay or rewards before they became due.

(signed)

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* Upon Friday, the mess dinner will, of course, consist of fish, eggs, &c. &c., instead of meat.

APPENDIX G.

AN ACCOUNT of SEIZURES and DETECTIONS made by the REVENUE POLICE in IRELAND, in the Suppression of ILLICIT DISTILLATION, during the last Twenty Years.

YEARS.	Bushels of Malt.	Stills.	Still Heads.	Worms.	Vessels.	Gallons of Spirits.		Gallons of		Horses.	Carts.	Persons detected at time of Seizure.	RATE OF DUTY.	
						Illicit.	Plain.	Potale.	Singlings.					
													s.	*d.*
1832	47,683	974	715	707	8,207	2,096	- -	203,472	4,400	- -	- -	888	- - - - -	3 4
1833	72,663	1,549	1,079	940	15,813	6,938	- -	329,805	6,869	- -	- -	1,203	- - - - -	3 4
1834	62,922	1,524	1,067	1,030	16,217	5,744	- -	288,942	6,418	- -	- -	1,381	To 1 September 1834 -	3 4
													From 1 September 1834	2 4
1835	35,009	956	679	637	8,059	2,582	- -	138,896	3,085	- -	- -	727	- - - - -	2 4
1836	20,010	590	493	473	4,798	1,766	- -	73,145	1,965	- -	- -	451	- - - - -	2 4
1837	17,110	395	314	319	4,527	714	- -	56,089	1,305	- -	- -	375	- - - - -	2 4
1838	11,236	368	278	254	3,778	1,097	611	48,084	1,129	21	10	268	- - - - -	2 4
1839	4,371	168	137	122	1,604	424	995	15,899	608	22	18	163	- - - - -	2 4
1840	2,721	148	117	87	1,184	209	831	12,478	323	15	8	152	To 15 May 1840 -	2 4
													From 15 May 1840 -	2 8
1841	3,210	131	98	76	1,237	305	295	15,384	493	19	9	109	- - - - -	2 8
1842	8,266	285	196	163	3,283	473	559	42,492	1,287	28	16	393	To 11 March 1842 -	2 8
													From 11 March 1842 -	3 8
1843	13,986	446	355	301	6,288	1,501	224	42,190	1,539	22	10	813	To 1 August 1843 -	3 8
													From 1 August 1843 -	2 8
1844	9,336	308	223	192	4,144	902	136	45,917	1,470	21	10	410	- - - - -	2 8
1845	7,411	296	201	175	3,020	606	97	35,847	1,543	26	16	302	- - - - -	2 8
1846	5,215	190	148	126	1,834	342	15	28,683	1,640	4	3	164	- - - - -	2 8
1847	3,446	132	101	91	1,621	226	39	19,555	1,211	5	4	323	- - - - -	2 8
1848	8,103	389	289	255	4,057	574	14	65,233	2,864	13	3	789	- - - - -	2 8
1849	10,791	421	332	286	4,547	727	13	69,609	3,617	13	9	1,148	- - - - -	2 8
1850	16,321	518	375	325	5,072	1,133	4	92,470	3,882	16	7	971	- - - - -	2 8
1851	11,059	418	298	272	3,695	482	1	70,592	2,686	8	4	638	- - - - -	2 8

Inland Revenue Office,
13 November 1852.

Appendix H.

CONSTABULARY (IRELAND).

A STATEMENT of the Amount of Constabulary Force employed in each County, County of a City, and County of a Town, in Ireland, on the 1st of January 1840 (pursuant to Act 6 Will. 4, c. 13, s. 57)

No. 1.

1 Inspector-General, 2 Deputy Inspectors-General, 3 Provincial Inspectors, 1 Receiver, and 18 Paymasters.

Effective Strength of the Force in Counties, Cities and Towns, on the 1st of January 1840.

Counties, Cities and Towns.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.	
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.
Antrim County	1	–	–	–	4	1	1	1	5	26	152	36
Armagh „	–	1	–	–	1	3	1	1	5	13	88	13
Carlow „	–	1	–	–	2	2	–	1	4	17	77	30
Carrickfergus Town	–	–	–	–	–	–	–	–	–	1	4	–
Cavan, County	–	1	–	–	4	1	3	1	8	22	123	32
Clare „	–	1	–	–	3	1	4	1	8	45	231	65
Cork, East Riding	–	1	–	1	4	2	2	1	8	41	184	78
Cork, West Riding	–	–	1	1	5	1	1	1	7	25	144	37
Cork, City	–	–	–	–	1	–	–	–	1	14	75	9
Donegal, County	–	1	–	–	2	2	4	1	9	25	183	16
Down „	1	–	–	–	4	–	2	1	6	20	107	20
Dublin „	1	–	–	1	4	–	1	1	6	34	142	49
Drogheda, Town	–	–	–	–	–	–	–	1	–	1	12	–
Fermanagh, County	–	1	–	–	2	–	3	1	4	15	83	13
Galway, East Riding	–	1	–	1	1	2	2	1	6	40	197	48
Galway, West Riding	–	1	–	–	5	–	3	1	9	26	118	97
Galway, Town	–	–	–	–	–	–	1	–	1	4	13	1
Kerry, County	–	1	–	–	1	1	4	1	6	22	111	30
Kildare „	–	1	–	–	4	–	1	1	5	35	117	34
Kilkenny „	–	1	–	–	3	3	3	1	10	54	263	58
Kilkenny, City	–	–	–	–	–	–	1	–	1	2	17	–
King's County	–	1	–	–	1	3	1	1	4	36	182	43
Leitrim „	–	–	1	–	1	2	2	1	5	17	97	18
Limerick „	–	–	1	–	2	3	1	–	6	45	221	53
Limerick, City	–	–	–	–	–	–	–	1	–	10	43	10
Londonderry, County	–	–	–	–	2	1	1	1	4	10	69	8
Longford „	–	–	1	–	–	2	2	1	3	27	147	46
Louth „	–	1	–	–	–	2	3	1	5	25	124	32
Mayo „	–	–	1	1	5	1	3	1	9	36	194	35
Meath „	1	–	–	–	3	1	2	1	7	45	201	66
Monaghan „	–	1	–	–	2	1	1	1	4	13	93	40
Queen's „	–	–	1	–	3	2	3	1	9	42	226	49
Roscommon „	–	–	1	–	3	1	2	1	6	34	160	40
Sligo „	–	–	1	–	1	–	4	1	5	23	119	30
Tipperary, North Riding	–	1	–	–	1	3	2	1	6	49	184	94
Tipperary, South Riding	–	1	–	–	3	1	3	1	9	60	297	76

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.	
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.
Tyrone, County	–	1	–	–	1	1	3	1	5	19	110	19
Waterford „	–	1	–	–	1	1	3	1	5	18	103	20
Waterford, City	–	–	–	–	–	–	1	–	1	8	45	–
Westmeath, County	1	–	–	–	2	1	3	1	6	38	166	68
Wexford „	–	1	–	–	3	2	2	1	7	31	178	31
Wicklow „	–	1	–	1	2	–	3	1	5	24	110	7
TOTALS	5	22	8	6	86	47	82	36	220	1,092	5,510	1,451

RECAPITULATION.

Inspector-general	1	Sub-Inspectors, 1st Rate	86
Deputy Inspectors-general	2	Ditto 3d Rate	47
Provincial Inspectors	3	Ditto 3d Rate	82
Receiver	1	Head Constable, 1st Rate	26
Paymasters	18	Ditto 2d Rate	220
County Inspectors, 1st Rate	5	Constables	1,092
Ditto 2d Rate	22	Sub-Constables, 1st Rate	5,510
Ditto 3d Rate	8	Ditto 2d Rate	1,541
Sub-Inspectors, extra Rate	6	TOTAL	8,590

Constabulary Office,
15 February 1840

D. M'GREGOR,
Inspector-general.

No. 2.

STATEMENT of the WHOLE EXPENDITURE upon the CONSTABULARY FORCE of IRELAND, in each County, County of a City, and County of a Town, for the Year ended 31st December 1839.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.	COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim	8,966	7	2	Limerick	16,286	16	–
Armagh	6,803	14	2¼	Limerick, City	4,065	7	2¼
Carlow	6,884	4	7½	Londonderry	4,791	13	10¼
Carrickfergus, Town	170	9	9½	Longford	9,831	13	11
Cavan	9,609	8	5¾	Louth	9,292	15	1¾
Clare	15,907	8	–	Mayo	13,854	12	5½
Cork	24,896	1	4	Meath	14,343	18	8
Cork, City	4,043	12	11¾	Monaghan	7,921	1	–
Donegal	12,128	9	7¾	Queen's	13,804	7	8
Down	8,258	4	4½	Roscommon	12,137	8	11½
Drogheda, Town	487	9	10	Sligo	9,598	18	3½
Dublin	11,259	8	6	Tipperary	36,276	9	1¾
Fermanagh	6,467	–	7¼	Tyrone	7,668	14	–
Galway	27,601	13	6¾	Waterford	7,405	2	5
Galway, Town	1,574	9	10½	Waterford, City	2,054	8	7½
Kerry	8,863	8	10¼	Westmeath	12,321	3	1
Kildare	11,713	5	9¼	Wexford	12,812	18	11
Kilkenny	19,253	14	3	Wicklow	9,352	19	8
Kilkenny, City	888	13	11				
King's	12,141	–	5¾	TOTAL £.	409,699	7	6½
Leitrim	7,959	12	4				

Constabulary Office, Dublin,
30 April 1840

RICHARD CANE,
Receiver.

No. 3.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE EMPLOYED on the 1st of January 1840, and of the TOTAL EXPENDITURE upon the said Constabulary Force for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by the Counties, Cities and Towns.

Numbers.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount born by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
3	Provincial Inspectors			
5	County Inspectors, 1st Rate			
22	Ditto 2d Rate			
8	Ditto 3d Rate			
6	Sub-Inspectors, Extra Rate			
86	Ditto 1st Rate			
47	Ditto 2d Rate			
82	Ditto 3d Rate	419,142 15 3½	249,946 16 2½	169,195 19 1
36	Head Constables, 1st Rate			
220	Ditto 2d Rate			
1,092	Constables			
5,510	Sub-Constables 1st Rate			
1,451	Ditto 2d Rate			
56	Magistrates			
18	Paymasters			
1	Receiver			
1	Surgeon			

Constabulary Office, Dublin,
30 April 1840.

RICHARD CANE,
Receiver.

(A.)

RETURN of the SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st of January 1840.

	Annual Salaries and Allowances. £. s. d.
INSPECTOR-GENERAL:	
Salary per annum	1,300 – –
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 1 *l.*	
Travelling expenses, at 1 *s.* 6 *d.* per mile, going to and returning from such duty.	
Salary of clerks in Inspector-General's office	1,000 – –
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 – –
Extra pay when on duty, same as Inspector-general.	
Travelling allowance, same as Inspector-General.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 – –
Extra pay and travelling allowance, same as Inspector-General.	
SURGEON:	
Salary per annum	300 – –

	Annual Salaries and Allowances. £. s. d
RECEIVER:	
Salary per annum	600 – –
Ditto - for clerks and office	600 – –
PROVINCIAL INSPECTOR:	
Salary per annum	500 – –
Extra pay for every day on duty at such a distance as to be detained from his home for the night, 10 *s.*	
Travelling allowance when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile going and returning.	
Forage for two horses, at 2 *s.* per diem each	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: actual expense per postmaster's receipt, to be certified at the foot of the quarterly account, that the letters were on the Public Service.	
For an office, and fuel and candles for the same, per annum	18 5 –

(*continued*)

	Annual Salaries and Allowances. £. s. d.
Magistrate:	
As per Return hereunto annexed, marked (B.)	
County Inspector, at 1st Rate:	
Salary per annum	298 – –
Extra pay, at 8 *s.* per diem, while attending assizes, quarter sessions, elections, or on any duty which necessarily detains him from his home during the night, and 6 *d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance per annum, exclusive of books and printed returns	8 – –
Postage, actual expense per Postmaster's receipt and certificate that the letters were on the public service.	
For an office, and fuel and candle for the same, per annum	18 5 –
County Inspector, 2d Rate:	
Salary per annum	250 – –
Extra pay and travelling allowance, same as extra rate.	
Forage - - ditto - ditto.	
Stationery - ditto - ditto	8 – –
Postage - - ditto - ditto.	
For an office ditto - ditto	18 5 –
County Inspector, 3d Rate:	
Salary per annum	220 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery, postage and allowance for an office, same as extra Rate.	
Paymaster:	
Salary per annum	200 – –
Extra pay, at 7 *s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance, at 1 *s.* per mile on said duty.	
Stationery; commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage; actual expense, vouched by Postmaster's receipt and certificate that all the letters were on the public service.	
Clerk; an eligible Constable or Sub-constable to be allotted for this duty.	
For an office, and fuel and candle for the same, per annum	18 5 –

	Annual Salaries and Allowances. £. s. d.
Sub-Inspector, at extra Rate:	
Salary per annum	180 – –
Extra pay, at 7 *s.* per diem, while attending assizes, quarter sessions, elections, on a march from one county to another, or on any duty by which he is necessarily detained from home during the night, and 6 *d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2 *s.* per diem.	
Stationery; commuted allowance (exclusive of books and printed returns) per annum	2 – –
Postage; actual expense, on Postmaster's receipt and certificate of the letters being on the public service.	
Sub-Inspector, 1st Rate:	
Salary per annum	150 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery and postage, ditto, ditto.	
Sub-Inspector, 2d Rate:	
Salary per annum	120 – –
Extra pay, at 5 *s.* per diem, and travelling allowance same as extra Rate.	
Forage, stationery and postage, ditto, ditto.	
Sub-Inspector, 3d Rate:	
Salary per annum	100 – –
Extra pay and travelling allowance same as extra rate.	
Forage, stationery and postage, ditto, ditto.	
Head Constable, 1st Rate:	
Salary per annum	60 – –
Extra pay, at 1 *s.* 6 *d.* per diem, on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
Head Constable, 2d Rate:	
Salary per annum	50 – –
Extra pay and marching allowance same as 1st Rate:	
Mounted Constable:	
Salary per annum	32 7 –
Extra pay, at 1 *s.* per diem, while attending assizes or quarter sessions as a witness; but 6 *d.* per diem if on duty only there, or at elections, or any other service by which he is necessarily detained from his home during the night.	
Travelling allowance, at 1 *s.* per diem, when on a march from one county to another; but no extra pay for the same period.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 9 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements, 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceediing 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - -	32 7 –
Extra pay and travelling allowance, same as mounted constable.	
For repairs of arms and accoutrements same as mounted constable.	
For lodging allowance, same as mounted constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum - - - - -	27 14 –
Extra pay and travelling allowance, same as constable.	
For repairs of arms and accoutrements, ditto, ditto.	
For lodging allowance, ditto, ditto.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances, same as constable.	

In addition to the allowances specified under each rank, there are the following; viz.

Compensation for clothing when not supplied in kind, at 2 *s.* 7 *d.* per month; medical allowance, at 6 *d.* per month, for each county and sub-inspector, constable and sub-constable.
Rent and expenses of a store, at 10 *l.* per annum, in each county and riding.
Allowance to two drill constables for each provincial depôt, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, at 5 *l.* per annum.

Constabulary Office, Dublin,
30 April 1840.

RICHARD CANE,
Receiver.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on the 1st of January 1840, showing their Number, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Annum.	Stationery per Annum.	Postage.	Allowance for a Clerk per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
One -	1,000 – –	- nil -	- nil -	8	Actual Expense.	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	10 *s.* per diem while absent on any duty at such distance as to be necessarily detained from his home for the night.	At 1 *s.* per mile going to and returning from duty at any place more than 20 miles distance from home, deducting 20 miles going and 20 returning.
Three -	605 7 –	- nil -	- nil -	8		36			
Two -	461 10 9	184 12 4	- nil -	8		36			
Fourteen -	400 – –	100 – –	4 –	8		36			
Thirty-five	400 – –	- nil -	4 –	8		36			
One -	667 7 7	184 12 4	- nil -	8		36			

Constabulary Office, Dublin,
30 April 1840.

RICHARD CANE,
Receiver.

A STATEMENT of the Amount of CONSTABULARY FORCE employed in each County, County of a City, and County of a Town, in IRELAND, on the 1st of January 1841 (pursuant to Act of Parliament, 6 Will. 4, c. 13, s. 57).

No. 1.

EFFECTIVE STRENGTH of the FORCE in Counties, Cities and Towns, on the 1st of January 1841.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Antrim, County	1	–	–	–	4	1	1	1	6	30	135	21	8
Armagh „	–	1	–	–	–	3	2	1	5	20	86	13	7
Carlow „	–	1	–	–	2	2	–	1	4	15	84	24	6
Carrickfergus, Town	–	–	–	–	–	–	–	–	–	1	4	–	–
Cavan, County	1	–	–	–	3	2	3	1	8	28	136	15	9
Clare „	–	1	–	–	4	1	3	1	8	41	250	39	7
Cork, East Riding	1	–	–	1	4	2	2	1	8	43	219	53	9
Cork, West Riding	–	–	1	1	3	2	2	1	7	35	153	19	8
Cork, City	–	–	–	–	1	–	1	1	1	22	126	10	10
Donegal, County	–	–	1	–	2	3	2	1	8	28	170	20	9
Down „	1	–	–	1	1	2	2	1	6	25	104	27	8
Drogheda, Town	–	–	–	–	–	–	–	1	–	2	10	1	–
Dublin, County	1	–	–	–	3	1	1	1	5	29	144	58	6
Fermanagh, County	–	1	–	–	2	1	2	1	4	15	79	15	6
Galway, East Riding	–	1	–	1	1	3	1	1	6	37	147	39	8
Galway, West Riding	–	1	–	–	5	1	2	1	9	39	168	32	9
Galway, Town	–	–	–	–	–	1	–	–	1	4	13	3	1
Kerry, County	–	–	1	–	–	4	2	1	6	28	120	17	7
Kildare „	–	1	–	–	4	1	–	1	5	41	172	21	7
Kilkenny „	–	1	–	–	–	3	4	1	10	67	248	79	10
Kilkenny, City	–	–	–	–	–	–	1	–	1	3	14	3	1
King's County	–	1	–	–	1	3	1	1	5	43	174	53	6
Leitrim „	–	–	1	–	–	2	2	1	5	22	112	18	6
Limerick „	–	1	–	–	1	3	2	1	6	51	265	36	6
Limerick, City	–	–	–	–	1	–	–	–	1	11	53	2	1
Londonderry, County	–	1	–	–	2	1	1	1	3	11	66	15	5
Longford „	–	–	1	–	–	3	1	1	4	21	104	24	6
Louth „	–	1	–	–	–	2	3	1	5	29	116	26	6
Mayo „	–	1	–	1	4	1	3	1	9	45	200	15	11
Meath „	–	–	1	–	2	1	4	1	7	50	215	49	10
Monaghan „	–	1	–	–	1	1	2	1	4	16	109	13	6
Queen's „	–	–	1	–	3	3	2	1	9	51	223	39	8
Roscommon „	–	–	1	–	3	2	1	1	6	40	161	31	5
Sligo „	–	1	–	–	2	–	3	1	5	27	122	15	5
Tipperary, North Riding	–	1	–	–	1	5	–	1	6	58	251	40	8
Tipperary, South Riding	–	1	–	–	2	2	3	1	8	64	280	39	9

COUNTIES, CITITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Tyrone, County	–	1	–	–	2	2	1	–	5	24	107	15	7
Waterford „	–	1	–	–	1	2	2	1	5	24	107	12	7
Waterford, City	–	–	–	–	–	1	–	–	1	9	44	1	4
Westmeath, County	–	1	–	–	3	1	2	1	5	44	162	62	5
Wexford „	–	1	–	–	3	1	3	1	7	38	166	23	6
Wicklow „	–	1	–	1	2	–	2	1	5	29	125	44	5
Reserve	–	–	–	–	–	–	–	–	–	2	3	–	4
Totals	5	22	8	6	73	69	69	36	219	1,262	5,747	1,081	272

Recapitulation.

Inspector-general	1	Sub-Inspectors, 1st Rate	73
Deputy Inspector-general	2	Ditto 2d ditto	69
Provincial Inspectors	3	Ditto 3d ditto	69
Receiver	1	Head Constables, 1st Rate	36
Paymasters	18	Ditto 2d ditto	219
County Inspectors, 1st Rate	5	Constables	1,262
Ditto 2d ditto	22	Sub-Constables, 1st Rate	5,747
Ditto 3d ditto	8	Ditto 2d ditto	1,081
Sub-Inspectors, extra ditto	6	Total	8,622

D. M'Gregor,
Inspector-general.

No. 2.

STATEMENT of the whole Expenditure upon the Constabulary Force of Ireland in each County, County of City, and County of a Town, for the Year ended 31st December 1840.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.	COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim	10,630	16	8½	Limerick	16,583	11	–
Armagh	7,014	16	10	Limerick, City	3,990	16	6¼
Carlow	6,795	1	7½	Londonderry	5,145	10	7¼
Carrickfergus, Town	187	9	4½	Longford	8,022	15	6½
Cavan	9,782	4	9¾	Louth	9,529	3	8¼
Clare	17,055	6	2¼	Mayo	13,959	3	8
Cork	25,461	3	9½	Meath	14,724	14	10¼
Cork, City	6,347	2	6¼	Monaghan	8,064	10	–¼
Donegal	12,061	9	3½	Queen's	14,164	7	6
Down	8,758	17	11½	Roscommon	12,689	5	7¾
Drogheda, Town	510	16	6¼	Sligo	8,563	8	8½
Dublin	10,742	12	7	Tipperary	36,595	15	10
Fermanagh	6,639	17	7½	Tyrone	7,714	4	4¼
Galway	26,469	12	1¼	Waterford	7,675	1	7¾
Galway, Town	1,797	19	4½	Waterford, City	2,162	13	9½
Kerry	9,194	16	6½	Westmeath	12,154	4	5¼
Kildare	11,662	17	10¾	Wexford	12,590	12	8
Kilkenny	19,425	19	1¼	Wicklow	9,991	3	–¼
Kilkenny, City	944	1	2¼	Reserve Force	474	1	10¾
King's	12,029	–	3½				
Leitrim	8,481	2	9	Total £.	416,788	10	6

Constabulary Office, Dublin,
28 May 1841.

Richard Cane,
Receiver.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st of January 1841, and of the TOTAL EXPENDITURE upon the said Constabulary Force, for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by the Counties, Cities and Towns.

Numbers.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities, and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
3	Provincial Inspectors			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, extra Rate			
73	- - ditto - - 1st Rate			
69	- - ditto - - 2d ditto			
69	- - ditto - - 3d ditto			
36	Head Constables, 1st Rate	426,127 10 4	251,794 15 3½	174,332 15 -½
219	- - ditto - - 2d ditto			
1,262	Constables			
5,747	Sub-Constables 1st Rate			
1,081	- - ditto - 2d ditto			
272	Horses			
59	Magistrates			
18	Paymasters			
1	Receiver			
1	Surgeon			

Constabulary Office, Dublin,
28 May 1841.

RICHARD CANE,
Receiver.

(A.)

RETURN of the SALARIES and ALLOWANCES of the CONSTABULARY FORCE in IRELAND on the 1st of January 1841.

	Annual Salaries and Allowances.
	£. s. d.
INSPECTOR-GENERAL:	
Salary per annum	1,500 - -
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 1 *l.*	
Travelling expenses, at 1 *s.* 6 *d.* per mile, going to and returning from such duty.	
Salary of Clerks in Inspector-general's office	1,000 - -
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 - -
Extra pay when on duty, same as Inspector-general.	
Travelling allowance - ditto - ditto.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 - -
Extra pay and travelling allowances, same as Inspector-general.	
RECEIVER:	
Salary per annum	600 - -
Ditto for Clerks and office	600 - -

	Annual Salaries and Allowances.
	£. s. d.
SURGEON:	
Salary per annum	300 - -
PROVINCIAL INSPECTOR:	
Salary per annum	500 - -
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 10 *s.*	
Travelling allowance when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile going and returning.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 - -
Postage: Actual expense, per Postmaster's receipt, to be certified at the foot of the quarterly account that the letters were on the Public Service.	
For an office, and for fuel and candles for the same annually	18 5 -

	Annual Salaries and Allowances. £. s. d.
Magistrate:	
As per Return hereunto annexed marked (B.)	
County Inspector at 1st Rate:	
Salary per annum	298 – –
Extra pay at 8 *s.* per diem while attending Assizes, Quarter Sessions, Elections, or on any duty which necessarily detains him from his home during the night, and 6 *d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses at 2 *s.* per diem each.	
Stationery, commuted allowance per annum, exclusive of books and printed returns	8 – –
Postage: Actual expense per postmaster's receipt, and certificate that the letters were on the Public Service.	
For an office, and fuel and candle for the same, annually	18 5 –
County Inspector, 2d Rate:	
Salary per annum	250 – –
Extra pay and travelling allowance, same as extra rate.	
Forage - ditto - ditto - ditto.	
Stationery ditto - ditto - ditto	8 – –
Postage - ditto - ditto - ditto.	
For an office ditto - ditto - ditto	18 5 –
County Inspector, 3d Rate:	
Salary per annum	220 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery, postage and allowance for an office same as extra Rate.	
Sub-Inspectors at extra Rate:	
Salary per annum	180 – –
Extra pay at 7 *s.* per diem while attending Assizes, Quarter Sessions, Elections, on a march from one county to another, or on any duty by which he is necessarily detained from home during the night, and 6*d.* per mile for every mile travelled above 40.	
Forage for one horse at 2 *s.* per diem.	
Stationery, computed allowance (exclusive of books and printed returns) per annum	2 – –
Postage: Actual expense on Postmaster's receipt, and certificate of the letters being on the Public Service.	
Sub-Inspector, 1st Rate:	
Salary per annum	150 – –
Extra pay and travelling allowance, same as extra Rate.	
Forage for one horse at 2 *s.* per diem.	
Stationery, same as extra Rate	2 – –
Postage - ditto - ditto.	

	Annual Salaries and Allowances. £. s. d.
Sub-Inspector, 2d Rate:	
Salary per annum	120 – –
Extra pay at 5 *s.* per diem, and travelling allowance same as extra Rate.	
Forage for one horse at 2 *s.* per diem.	
Stationery same as extra Rate	2 – –
Postage - ditto - ditto.	
Sub-Inspector, 3d Rate:	
Salary per annum	100 – –
Extra pay at 5 *s.* per diem, and travelling allowance same as extra rate.	
Forage for one horse at 2 *s.* per diem.	
Stationery same as extra Rate	2 – –
Postage - ditto - ditto.	
Paymaster:	
Salary per annum	200 – –
Extra pay at 7 *s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance at 1 *s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage: Actual expense vouched by Postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: an eligible constable or sub-ditto to be allotted for this duty.	
For an office, and fuel and candles for the same, per annum	18 5 –
Head Constable, 1st Rate:	
Salary per annum	60 – –
Extra pay at 1 *s.* 6 *d.* per diem on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
Head Constable, 2d Rate:	
Salary per annum	50 – –
Extra pay and marching allowance, same as 1st Rate.	
Mounted Constable:	
Salary per annum	32 7 –
Extra pay at 1 *s.* per diem while attending Assizes or Quarter Sessions as a witness, but 6 *d.* per diem if on duty only there, or at Elections, or any other service by which he is necessarily detained from his home during the night.	
Travelling allowance at 1 *s.* per diem when on a march from one county to another, but no extra pay for the same period.	

	Annual Salaries and Allowances.		Annual Salaries and Allowances.
Mounted Constables—*continued.*	£. s. d.	Constable—*continued.*	£. s. d.
Forage for one horse at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.		For repairs of arms and accoutrements same as mounted constable.	
For repairs of horse appointments 9 *s.* 4 *d.* per annum.		For lodging allowance same as mounted constable.	
For repairs of arms and accoutrements, 3 *s.* per annum.		Sub-Constable, 1st Rate:	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.		Salary per annum - - - - -	27 14 –
Constable:		Extra pay and travelling allowance same as constable.	
Salary per annum - - - - -	32 7 –	For repairs of arms and accoutrements same as constable.	
Extra pay and travelling allowance same as mounted constable.		For lodging allowance same as constable.	
		Sub-Constable, 2d Rate:	
		Salary per annum - - - - -	24 – –
		Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank, there are the following; viz.

Compensation for clothing when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance at 6 *d.* per month for each county and sub-inspector, constable and sub-constable.
Rent and expenses of a store, at 10 *l.* per month, in each county and riding.
Allowance to two drill constables for each provincial depôt, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Constabulary Office, Dublin,
28 May 1841.

Richard Cane,
Receiver.

(B.)

RETURN of Stipendiary Magistrates existing on 1st January 1841, showing their Number, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Annum.	Stationery per Annum.	Postage.	Allowance for a Clerk per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
One -	1,000 – –	- nil -	- nil -	8	Actual Expense.	36	2*s.* 4*d.* per diem from the 1st Jan. 1840.	10 *s.* per night while absent on any duty, at such a distance as to be necessarily detained from home for the night.	At 1 *s.* per mile going to and returning from duty at any place more than 20 miles' distance from home, deducting 20 miles going and 20 returning.
One -	667 7 7	184 12 4	- nil -	8		36			
Three -	605 7 –	- nil -	- nil -	8		36			
Two -	461 10 9	184 12 4	- nil -	8		36			
Fourteen -	400 – –	100 – –	4 –	8		36			
Thirty-eight	400 – –	- nil -	4 –	8		36			

Constabulary Office, Dublin,
28 May 1841.

Richard Cane,
Receiver.

A STATEMENT

A STATEMENT of the Amount of CONSTABULARY FORCE employed in each County, County of a City, and County of a Town, in IRELAND, on the 1st of January 1842 (pursuant to Act of Parliament, 6 Will. 4, c. 13, s. 57).

No. 1.

EFFECTIVE STRENGTH of the FORCE in Counties, Cities and Towns, on the 1st January 1842.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Antrim, County	1	–	–	–	3	1	2	1	6	32	127	32	6
Armagh „	–	1	–	–	1	3	1	1	5	21	90	28	7
Carlow „	–	1	–	–	1	3	–	1	4	21	114	26	6
Carrickfergus Town	–	–	–	–	–	–	–	–	–	1	3	1	–
Cavan, County	1	–	–	–	2	–	4	1	8	29	132	18	10
Clare „	–	1	–	–	4	2	2	1	7	38	203	51	9
Cork, East Riding	1	–	–	1	1	2	4	1	7	53	223	50	6
Cork, West Riding	–	–	1	–	3	4	1	1	8	34	145	29	7
Cork, City	–	–	–	–	1	–	1	1	1	26	113	17	11
Donegal, County	–	–	1	–	2	3	2	1	8	37	175	16	9
Down „	1	–	–	1	1	3	1	1	6	26	104	27	7
Drogheda, Town	–	–	–	–	–	–	–	1	–	2	9	2	–
Dublin, County	1	–	–	–	2	2	1	1	5	36	135	51	7
Fermanagh „	–	–	1	–	2	2	1	1	4	17	73	21	7
Galway, East Riding	–	1	–	1	1	3	1	1	6	39	182	18	8
Galway, West Riding	–	1	–	–	4	1	2	1	9	38	169	20	9
Galway, Town	–	–	–	–	1	–	–	–	1	4	16	–	1
Kerry, County	–	–	1	–	–	4	2	1	6	28	125	15	6
Kildare „	–	1	–	–	4	1	–	1	5	40	153	47	7
Kilkenny „	–	1	–	–	1	3	4	1	7	67	242	62	10
Kilkenny, City	–	–	–	–	–	–	–	–	1	4	22	3	–
King's County	–	1	–	–	1	2	2	1	5	47	207	42	7
Leitrim „	–	–	1	–	–	3	2	1	5	26	117	13	7
Limerick „	–	1	–	–	1	4	1	1	6	56	247	39	7
Limerick, City	–	–	–	–	1	–	–	–	1	11	49	5	1
Londonderry, County	–	1	–	–	2	2	–	1	4	10	77	3	6
Longford „	–	1	–	–	–	3	1	1	4	23	111	16	6
Louth „	–	1	–	–	1	2	2	1	5	29	122	27	7
Mayo „	–	1	–	1	4	2	2	1	9	44	193	33	10
Meath „	–	–	1	–	2	2	3	1	7	50	202	57	9
Monaghan „	–	1	–	–	1	2	1	1	3	14	99	33	6
Queen's „	–	–	1	1	3	2	2	1	9	52	235	27	10
Roscommon „	–	–	1	–	3	2	1	1	6	41	165	32	8
Sligo „	–	1	–	–	2	1	2	1	4	29	118	26	6
Tipperary, North Riding	–	1	–	–	1	5	–	1	7	64	293	35	7
Tipperary, South Riding	–	1	–	–	2	3	2	1	8	73	323	45	10

(continued)

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Tyrone, County	–	1	–	–	1	2	2	1	5	25	101	22	6
Waterford „	–	1	–	–	2	3	–	1	5	25	105	14	7
Waterford, City	–	–	–	–	–	1	–	–	1	9	41	2	4
Westmeath, County	–	1	–	–	3	1	2	1	6	45	174	51	8
Wexford „	–	1	–	–	3	1	2	1	8	45	213	24	9
Wicklow „	–	1	–	1	1	–	3	1	5	28	137	34	7
Reserved Force	–	–	–	–	1	–	–	–	1	4	6	52	6
Totals	5	22	8	6	69	82	59	37	218	1,343	5,890	1,166	287

Recapitulation.

Inspector-general	1	Sub-Inspectors, Extra Rate	6
Deputy Inspectors-general	2	Ditto 1st Rate	69
Provincial Inspectors	3	Ditto 2d ditto	82
Receiver	1	Ditto 3d ditto	59
Surgeon	1	Head Constables, 1st Rate	37
Paymasters	18	Ditto 2d ditto	218
County Inspectors, 1st Rate	5	Constables	1,343
Ditto 2d ditto	22	Sub-Constables, 1st Rate	5,890
Ditto 3d ditto	8	Ditto 2d ditto	1,166
		Total	8,931
		Horses	287

Constabulary Office, 31 January 1842.

D. M'Gregor, Inspector-general.

No. 2.

STATEMENT of the whole Expenditure upon the Constabulary Force of Ireland, in each County, County of a City, and County of a Town, for the Year ended 31st December 1841.

COUNTY, CITY AND TOWN.	Whole Expenditure for each.		
	£.	s.	d.
Antrim	11,163	4	9¾
Armagh	7,990	15	8¾
Carlow	8,803	2	7
Carrickfergus, Town	161	2	4¾
Cavan	9,616	19	4
Clare	15,849	9	6¼
Cork	25,466	15	3
Cork, City	5,896	14	5¾
Donegal	12,448	19	6½
Down	8,751	2	–¼
Drogheda, Town	491	11	2
Dublin	9,853	10	9
Fermanagh	6,531	14	7½
Galway	23,985	15	8½
Galway, Town	1,815	3	5¼
Kerry	9,946	12	–
Kildare	11,477	10	7¾
Kilkenny	17,009	1	8¼
Kilkenny, City	945	1	3¼
King's	12,504	14	–½
Leitrim	8,187	6	–¾
Limerick	17,170	12	11
Limerick, City	3,697	7	–¾
Londonderry	5,071	8	11½
Longford	8,506	12	2
Louth	9,432	19	2¾
Mayo	13,688	11	10½
Meath	14,002	–	10
Monaghan	7,981	14	1¼
Queen's	13,304	6	2¾
Roscommon	12,856	17	4¼
Sligo	9,322	10	4¼
Tipperary	37,666	15	2¾
Tyrone	7,596	5	2¼
Waterford	8,531	7	4½
Waterford, City	2,292	9	10¾
Westmeath	11,875	10	2¾
Wexford	12,946	18	3½
Wicklow	10,004	18	4¼
Reserve	9,195	14	5¼
Total £.	424,041	7	1¼

Note.—This is a perfect Return.

Constabulary Office, Dublin, 2 June 1842.

Richard Cane, Receiver.

No. 3.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st of January 1842, and of the TOTAL EXPENDITURE upon the said Constabulary Force, for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by the Counties, Cities and Towns.

Number.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
3	Provincial Inspectors			
1	Receiver			
1	Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, Extra Rate			
69	- - ditto - - 1st Rate	433,661 1 10¼	260,623 11 4	173,037 10 6¼
82	- - ditto - - 2d ditto			
59	- - ditto - - 3d ditto			
37	Head Constables, 1st Rate			
218	- - ditto - - 2d ditto			
1,343	Constables			
5,890	Sub-Constables, 1st Rate			
1,166	- - ditto - - 2d ditto			
287	Horses			
* 65	Magistrates			

* Eight Magistrates reduced on the 31st March 1842.

Note.—This is a perfect Return.

Constabulary Office, Dublin,
2 June 1842.

RICHARD CANE,
Receiver.

(A.)

RETURN of the SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st of January 1842.

	Annual Salaries and Allowances.				Annual Salaries and Allowances.		
INSPECTOR-GENERAL:	£.	s.	d.	SURGEON:	£.	s.	d.
Salary per Annum	1,500	–	–	Salary per annum	300	–	–
Extra pay for every day on duty, at such distance as to be detained from his home for the night, 1 *l.*				PROVINCIAL INSPECTOR:			
Travelling allowance, at 1 *s.* 6 *d.* per mile, going to and returning from such duty.				Salary per annum	500	–	–
Salary of Clerks in Inspector-general's office	1,000	–	–	Extra pay for every day on duty at such a distance as to be detained from his home for the night, 10 *s.*			
1st DEPUTY INSPECTOR-GENERAL:				Travelling allowance, when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile going and returning.			
Salary per annum	1,200	–	–	Forage for two horses, at 2 *s.* per diem each.			
Extra pay and travelling allowance same as Inspector-general.				Stationery, commuted allowance (exclusive of books and printed returns) per annum	8	–	–
2d DEPUTY INSPECTOR-GENERAL:				Postage: Actual expense, per Postmaster's receipt, to be certified at the foot of the quarterly account that the letters were on the Public Service.			
Salary per annum	800	–	–	For an office, and for fuel and candles for the same, annually	18	5	–
Extra pay and travelling allowance same as Inspector-general.							
RECEIVER:							
Salary per annum	600	–	–				
Ditto for Clerks and office	600	–	–				

	Annual Salaries and Allowances. £. s. d.
MAGISTRATES:	
As per return hereunto annexed, marked (B.)	
COUNTY INSPECTOR, 1st RATE:	
Salary per annum - - - - - -	298 – –
xtra pay at 8 *s.* per diem while attending Assizes, Quarter Sessions, Elections, or on any duty which necessarily detains him from his home during the night, and 6 *d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance per annum, exclusive of books and printed returns -	8 – –
Postage, actual expense per Postmaster's receipt, and certificate that the letters were on the Public Service.	
For an office, and fuel and candles for the same, annually - - - - - -	18 5 –
COUNTY INSPECTOR, 2d RATE:	
Salary per annum - - - - - -	250 – –
Extra pay and travelling allowance same as 1st rate.	
Forage, Stationery, Postage and Allowance for an office, the same as 1st rate.	
COUNTY INSPECTOR, 3d RATE:	
Salary per annum - - - - - -	220 – –
Extra pay and travelling allowance same as 1st rate.	
Forage, Stationery, Postage and Allowance for an office, the same as 1st rate.	
SUB-INSPECTOR at EXTRA RATE:	
Salary per annum - - - - - -	180 – –
Extra pay at 7 *s.* per diem while attending Assizes, Quarter Sessions, Elections, or on any duty by which he is necessarily detained from home during the night, and 6 *d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2 *s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum.	2 – –
Postage, actual expense on Postmaster's receipt, and certificate of the letters being on Public Service.	
SUB-INSPECTOR, 1st RATE:	
Salary per annum - - - - - -	150 – –
Extra pay and travelling allowance same as extra rate.	
Forage, Stationery and Postage, same as extra rate.	

	Annual Salaries and Allowances. £. s. d.
SUB-INSPECTOR, 2d RATE:	
Salary per annum - - - - - -	120 – –
Extra pay at 5 *s.* per diem, and travelling allowance same as extra rate.	
Forage, stationery, and postage, same as extra rate.	
SUB-INSPECTOR, 3d RATE:	
Salary per annum - - - - - -	100 – –
Extra pay at 5 *s.* per diem, and travelling allowance same as extra rate.	
Forage, stationery, and postage, same as extra rate.	
PAYMASTER:	
Salary per annum - - - - - -	200 – –
Extra pay at 7 *s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance at 1 *s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum - - - - - - - -	8 – –
Postage, actual expense vouched by Postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: an eligible constable or sub ditto, to be allocated for this duty.	
For an office, and fuel and candles for the same, per annum - - - -	18 5 –
HEAD CONSTABLE, 1st RATE:	
Salary per annum - - - - - -	60 – –
Extra pay at 1 *s.* 6 *d.* per diem, on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
HEAD CONSTABLE, 2d RATE:	
Salary per annum - - - - - -	50 – –
Extra pay and marching allowance same as 1st rate.	
MOUNTED CONSTABLE:	
Salary per annum - - - - - -	32 7 –
Extra pay at 1 *s.* per diem while attending Assizes or Quarter Sessions as a witness, but 6 *d.* per diem if on duty only there, or at Elections, or any other service by which he is necessarily detained from his home during the night.	
Travelling allowance at 1 *s.* per diem when on a march from one county to another, but no extra pay for the same period.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Forage for one horse at 1 *s.* 8 *d.* per diem if at livery, actual expense not exceeding 2 *s.*, and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 2 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - - -	32 7 –
Extra pay and travelling allowance same as mounted constable.	
For repairs of arms and accoutrements same as mounted constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum - - - - -	27 14 –
Extra pay and travelling allowance same as constable.	
For repairs of arms and accoutrements same as constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank there are the following; viz.

Compensation for clothing when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance at 6 *d.* per month for each county and sub-inspector, head constable, constable, and sub-constable.
Rent and expense of a store, at 10 *l.* per annum, in each county and riding.
Allowance to drill constables for provincial depôts, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to head and other constables and sub-constables absent from home on duty in plain clothes; viz.

To a head constable in the country, 3 *s.* per night.
Ditto - - - - in Dublin - 4 *s.* „
Ditto - - - - in England - 5 *s.* „
To a constable or sub-constable in the country, 2 *s.* – per night.
Ditto - - - - - - - - in Dublin - 2 *s.* 6 *d.* „
Ditto - - - - - - - - in England - 3 *s.* 6 *d.* „
Allowance for straw for bedding, at 2 *d.* per month, for each head and other constable and sub-constable.

Constabulary Office, Dublin, 2 June 1842

RICHARD CANE.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on 1st January 1842, showing their Numbers, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem.	Stationery per Annum.	Postage.	Allowance for a Clerk, per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
One -	1,000 – –	- nil -	- nil -	8	Actual Expense.	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	10 *s.* per night while absent on any duty, at such a distance as to be necessarily detained from home for the night.	At 1 *s.* per mile going to and returning from duty at any place more than 20 miles' distance from home, deducting 20 miles going and 20 returning
One -	667 7 7	184 12 4	- nil -	8		36			
Three -	605 7 –	- nil -	- nil -	8		36			
Two -	461 10 9	184 12 4	- nil -	8		36			
Twelve -	400 – –	100 – –	4 –	8		36			
Forty-six -	400 – –	- nil -	4 –	8		36			

Constabulary Office, Dublin, 2 June 1842.

RICHARD CANE.

A STATEMENT of the Amount of Constabulary Force in each County, County of a City, and County of a Town, in Ireland on the 1st of January 1843 (pursuant to Act of Parliament, 6 Will. 4, c. 13, s. 57).

No. 1.

Effective Strength of the Force in Counties, Cities and Towns, on the 1st January 1843.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Antrim, County	1	–	–	–	2	–	4	1	6	32	148	11	8
Armagh „	–	1	–	–	1	3	1	1	5	23	99	17	7
Carlow „	–	1	–	–	2	1	1	1	5	26	104	36	5
Carrickfergus, Town	–	–	–	–	–	–	–	–	–	1	4	–	–
Cavan, County	1	–	–	–	2	2	3	1	8	30	134	12	9
Clare „	–	–	1	–	3	3	2	1	6	44	197	52	9
Cork, East Riding	1	–	–	1	3	2	3	1	9	62	254	51	11
Cork, West Riding	–	–	1	–	4	3	1	1	8	36	148	33	10
Cork, City	–	–	–	–	1	–	–	1	1	17	70	14	4
Donegal, County	–	–	1	–	2	3	2	1	8	37	179	10	10
Down „	1	–	–	1	1	3	1	1	6	26	127	12	7
Drogheda, Town	–	–	–	–	–	–	–	1	–	2	11	–	–
Dublin, County	1	–	–	–	1	2	2	1	5	37	151	36	8
Fermanagh „	–	–	1	–	2	2	1	1	4	18	77	16	7
Galway, East Riding	–	1	–	1	1	3	1	1	6	42	188	13	8
Galway, West Riding	–	1	–	–	4	1	2	1	9	37	136	41	9
Galway, Town	–	–	–	–	1	–	–	–	1	5	24	1	1
Kerry, County	–	–	1	–	–	3	3	1	6	28	114	26	8
Kildare „	–	1	–	–	3	1	1	1	5	41	179	24	6
Kilkenny „	–	1	–	–	1	3	4	1	8	67	272	42	10
Kilkenny, City	–	–	–	–	–	–	–	–	1	4	23	2	–
King's County	–	–	1	–	1	3	1	2	4	48	244	19	7
Leitrim „	–	1	–	–	1	3	1	1	5	26	124	7	7
Limerick „	–	1	–	–	1	4	1	1	6	61	259	50	9
Limerick, City	–	–	–	–	1	–	–	–	1	8	31	5	1
Londonderry, County	–	1	–	–	2	2	–	1	4	15	61	6	6
Longford „	–	1	–	–	1	2	1	1	4	26	110	19	6
Louth „	–	1	–	–	1	3	1	1	4	30	129	14	7
Mayo „	–	1	–	1	4	2	2	1	9	45	198	27	10
Meath „	–	–	1	–	3	2	2	1	7	52	193	46	8
Monaghan „	–	1	–	–	–	2	2	1	4	24	110	14	6
Queen's „	–	1	–	1	2	3	1	1	9	50	205	34	9
Roscommon „	–	–	1	–	3	1	2	1	6	39	168	26	8
Sligo „	–	1	–	–	2	1	2	1	5	27	121	20	7
Tipperary, North Riding	–	1	–	–	1	4	1	1	7	71	354	26	7
Tipperary, South Riding	–	1	–	–	2	4	1	1	8	74	338	32	10

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1s Rate.	2d Rate.		1st Rate.	2d Rate.	
Tyrone, County	–	1	–	–	1	2	2	1	5	25	105	17	6
Waterford „	–	1	–	–	2	3	–	1	5	24	106	13	7
Waterford, City	–	–	–	–	–	1	–	–	1	9	36	4	2
Westmeath, County	–	1	–	–	4	–	2	1	6	45	191	28	8
Wexford „	–	1	–	–	3	3	1	1	7	48	222	15	9
Wicklow „	–	1	–	1	1	–	3	1	5	30	139	22	7
Totals	5	22	8	6	70	80	58	38	219	1,392	6,083	893	284
Reserved Force	–	–	–	–	2	–	–	4	–	27	80	30	20
Totals	5	22	8	6	72	80	58	42	219	1,419	6,163	923	304

Recapitulation.

Inspector-general	1	Sub-Inspectors, Extra Rate	6
Deputy Inspectors-general	2	Ditto 1st Rate	72
Provincial Inspectors	2	Ditto 2d ditto	80
Receiver	1	Ditto 3d ditto	58
Surgeon	1	Head Constables, 1st Rate	42
Veterinary Surgeon	1	Ditto 2d ditto	219
Paymasters	18	Constables	1,419
County Inspectors, 1st Rate	5	Sub-Constables, 1st Rate	1,163
Ditto 2d ditto	22	Ditto 2d ditto	923
Ditto 3d ditto	8	Total	9,043
		Horses	304

Constabulary Office, Dublin Castle,
1 April 1843.

D. M'Gregor,
Inspector-general.

No. 2.

STATEMENT of the whole Expenditure upon the Constabulary Force of Ireland, in each County, County of a City, and County of a Town, for the Year ended 31st December 1842.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.	COUNTY, CITY AND TOWN.	Whole Expenditure for each. £	s.	d.
Antrim	10,787	17	3½	Limerick	17,720	17	11
Armagh	7,459	5	1	Limerick, City	3,764	11	8¼
Carlow	8,008	6	5¾	Londonderry	5,277	11	4¼
Carrickfergus, Town	179	18	3¾	Longford	8,823	14	6¾
Cavan	9,782	7	7¾	Louth	9,446	11	7
Clare	15,366	2	5¼	Mayo	14,090	4	6½
Cork	27,237	14	2	Meath	15,327	7	7¾
Cork, City	5,017	4	5¼	Monaghan	6,699	4	6¾
Donegal	12,089	8	4½	Queen's	15,176	14	5
Down	9,433	7	10¾	Roscommon	12,722	3	–¼
Drogheda, Town	555	9	11¾	Sligo	8,995	7	5½
Dublin	10,604	6	4½	Tipperary	40,823	11	–¾
Fermanagh	6,954	2	7¼	Tyrone	7,746	7	3¼
Galway	23,702	3	1½	Waterford	8,383	11	–
Galway, Town	1,870	13	10½	Waterford, City	2,156	13	9
Kerry	10,402	11	5¼	Westmeath	12,361	8	3¼
Kildare	12,573	19	3½	Wexford	13,338	4	7½
Kilkenny	18,568	10	5½	Wicklow	10,505	13	7¼
Kilkenny, City	1,008	1	2	Reserve	4,794	10	10½
King's	13,681	2	11¾				
Leitrim	9,245	7	5¾	Total £.	432,682	10	1½

Constabulary Office, Dublin,
1 April 1843.

Richard Cane.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st January 1843, and of the TOTAL EXPENDITURE upon the said Constabulary Force, for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by the Counties, Cities and Towns.

Number.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
2	Provincial Inspectors			
1	Receiver			
1	Surgeon			
1	Veterinary Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, Extra Rate	441,605 5 11½	263,473 5 2	178,132 - 9½
72	- - ditto - - 1st Rate			
80	- - ditto - - 2d ditto			
58	- - ditto - - 3d ditto			
42	Head Constables, 1st Rate			
219	- - ditto - - 2d ditto			
1,419	Constables			
6,163	Sub-Constables, 1st Rate			
923	- - ditto - - 2d ditto			
304	Horses			
58	Magistrates			

Constabulary Office, Dublin,
1 April 1843.

RICHARD CANE.

(A.)

RETURN of the SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st January 1843.

	Annual Salaries and Allowances.
INSPECTOR-GENERAL:	£. s. d.
Salary per annum	1,500 - -
Extra pay for every day on duty, at such distance as to be detained from his home for the night, 1 *l.*	
Travelling allowance, at 1 *l.* 6 *s.* per mile, going to and returning from such duty	
Salary of Clerks in Inspector-general's office	1,000 - -
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 - -
Extra pay and travelling allowance same as Inspector-general.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 - -
Extra pay and travelling allowance same as Inspector-general.	
RECEIVER:	
Salary per annum	600 - -
Ditto for Clerks and office	600 - -
SURGEON:	
Salary per annum	300 - -
VETERINARY SURGEON:	
Salary per annum	70 - -
Travelling Allowance, at 1 *s.* per mile, for going to fairs five miles distant from Dublin, to inspect horses purchased for the Constabulary.	
PROVINCIAL INSPECTOR:	
Salary per annum	500 - -
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 10 *s.*	
Travelling allowance, when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile, going and returning.	
Forage for two horses, at 2 *s.* per diem each.	

	Annual Salaries and Allowances.
PROVINCIAL INSPECTOR—*continued.*	£. s. d.
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: Actual expense, per Postmaster's receipt, to be certified at the foot of the quarterly account that the letters were on the Public Service.	
For an office, and for fuel and candles for the same, annually	18 5 –
MAGISTRATES:	
As per Return hereunto annexed, marked (B.)	
COUNTY INSPECTOR, 1st RATE:	
Salary per annum	298 – –
Extra pay at 8 *s.* per diem, while attending Assizes, Quarter Sessions and Elections, or on any duty which necessarily detains him from his home during the night, and 6 *d.* per mile, when called on duty above 20 miles from his residence.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: Actual expense, per Postmaster's receipt, and certificate that all the letters were on the Public Service.	
For an office, and fuel and candles for the same, annually	18 5 –
COUNTY INSPECTOR, 2d RATE:	
Salary per annum	250 – –
Extra pay and travelling allowance same as 1st Rate.	
COUNTY INSPECTOR, 3d RATE:	
Salary per annum	220 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery, postage, and allowance for an office, same as 1st Rate.	
SUB-INSPECTOR, EXTRA RATE:	
Salary per annum	180 – –
Extra pay at 7 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty by which he is necessarily detained from home during the night, and 6 *d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2 *s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	2 – –
Postage: Actual expense on postmaster's receipt, and certificate of the letters being on the Public Service.	

	Annual Salaries and Allowances.
SUB-INSPECTOR, 1st RATE:	£. s. d.
Salary per annum	150 – –
Extra pay and travelling allowance, same as extra Rate.	
Forage, stationery and postage, same as extra Rate.	
SUB-INSPECTOR, 2d RATE:	
Salary per annum	120 – –
Extra pay at 5 *s.* per diem, and travelling allowance same as extra Rate.	
Forage, Stationery and Postage, same as extra Rate.	
SUB-INSPECTOR, 3d RATE:	
Salary per annum	100 – –
Extra pay at 5 *s.* per diem, and travelling allowance same as extra rate.	
Forage, Stationery and Postage, same as extra rate.	
PAYMASTER:	
Salary per annum	200 – –
Extra pay at 7 *s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance at 1 *s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: Actual expense vouched by postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: an eligible constable or sub ditto, to be allotted for this duty.	
For an office, and fuel and candles for the same, per annum	18 5
HEAD CONSTABLE, 1st RATE:	
Salary per annum	60 – –
Extra pay, at 1 *s.* 6 *d.* per diem, on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
HEAD CONSTABLE, 2d RATE:	
Salary per annum	50 – –
Extra pay and marching allowance same as 1st Rate.	
MOUNTED CONSTABLE:	
Salary per annum	32 7 –
Extra pay at 1 *s.* per diem while attending Assizes or Quarter Sessions as a witness, but 6 *d.* per diem if on duty only there, or at Elections, or any other service by which he is necessarily detsined from his home during the night.	
Travelling allowance at 1 *s.* per diem when on a march from one county to another, but no extra pay for the same period.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Forage for one horse, at 1 *s.* 8 *d.* per diem, if at livery, actual expense not exceeding 2 *s.*, and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments 9 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - -	32 7 –
Extra pay and travelling allowance same as mounted constable.	
For repairs of arms and accoutrements same as mounted constable.	
For lodging allowance same as mounted constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum - - - - -	27 14 –
Extra pay and travelling allowance same as constable.	
For repairs of arms and accoutrements same as constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank there are the following; viz.

Compensation for clothing when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance at 6 *d.* per month for each county and sub-inspector, head constable, constable and sub-constable.
Rent and expense of a store, at 10 *l.* per annum, in each county and riding.
Allowance to two drill constables for provincial depôts, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.
Allowance to head and other constables and sub-constables absent from home on duty in plain clothes; viz.

To a head constable in the country, 3 *s.* per night.
Ditto - - - in Dublin - 4 *s.* „
Ditto - - - in England - 5 *s.* „
To a constable or sub-constable in the country, 2 *s.* – *d.* per night.
Ditto - - - - - - - - in Dublin - 2 *s.* 6 *d.* „
Ditto - - - - - - - - in England - 3 *s.* 6 *d.* „
Allowance for straw for bedding at 2 *d.* per month for ach head and other constable and sub-constable.

Constabulary Office, Dublin,
1 April 1843.

RICHARD CANE.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on the 1st January 1843, showing their Numbers, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem	Stationery per Annum.	Postage	Allowance for a Clerk, per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.	–				
One -	1,000 – –	nil.	nil.	8	–	36		10 *s.* per night while absent on duty at such a distance as to be necessarily detained from home for the night.	At 1 *s.* per mile going and returning from duty at any place more than 20 miles' distance from home, deducting 20 miles going and 20 returning.
One -	667 7 7	184 12 4	nil.	8	–	36			
Three -	605 7 –	nil.	nil.	8	–	36			
One -	500 – –	nil.	4 –	8	–	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.		
Two -	461 10 9	184 12 4	nil.	8	–	36			
Eleven -	400 – –	100 – –	4 –	8	–	36			
Thirty-six	400 – –	nil.	4 –	8	–	36			
Three -	550 – –	nil.	4 –	8	–	36			

Constabulary Office, Dublin,
1 April 1843.

RICHARD CANE.

STATEMENT

A STATEMENT of the Amount of CONSTABULARY FORCE in each County, County of a City, and County of a Town, in IRELAND, on the 1st January 1844 (pursuant to Act of Parliament, 6 Will. 4, c. 13, s. 57).

No. 1.

EFFECTIVE STRENGTH of the FORCE in Counties, Cities and Towns, on the 1st January 1844.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Antrim, County	1	–	–	–	2	–	4	1	6	33	146	20	8
Armagh „	–	1	–	–	1	3	1	1	4	23	104	13	6
Carlow „	–	1	–	–	2	1	1	1	5	26	115	24	6
Carrickfergus, Town	–	–	–	–	–	–	–	–	–	1	4	–	–
Cavan, County	1	–	–	–	2	2	3	1	8	29	123	26	9
Clare „	–	–	1	–	3	3	2	1	6	50	223	20	10
Cork, East Riding	1	–	–	1	4	2	2	1	10	68	323	23	11
Cork, West Riding	–	–	1	–	3	3	2	1	8	36	167	13	10
Cork, City	–	–	–	–	1	–	–	1	1	17	79	4	4
Donegal, County	–	–	1	–	3	2	2	1	9	37	179	11	10
Down „	1	–	–	1	1	3	1	1	6	26	114	28	8
Drogheda, Town	–	–	–	–	–	–	–	1	–	2	10	1	–
Dublin, County	1	–	–	–	2	1	2	1	5	37	155	33	8
Fermanagh „	–	–	1	–	2	1	2	1	3	18	81	11	7
Galway, East Riding	–	1	–	1	1	3	1	1	6	40	190	14	8
Galway, West Riding	–	1	–	–	3	2	2	1	9	40	156	39	9
Galway, Town	–	–	–	–	1	–	–	–	1	5	20	5	1
Kerry, County	–	–	1	–	–	4	2	1	6	28	123	16	8
Kildare „	–	1	–	1	–	2	1	1	5	41	185	22	7
Kilkenny „	–	1	–	–	1	4	2	1	8	63	295	20	10
Kilkenny, City	–	–	–	–	–	–	–	–	1	4	25	–	–
King's County	–	1	–	–	1	2	2	1	5	49	209	39	7
Leitrim „	–	1	–	–	1	2	2	1	5	27	126	2	7
Limerick „	–	1	–	–	1	4	1	1	6	62	269	19	9
Limerick, City	–	–	–	–	1	–	–	–	1	8	35	2	1
Londonderry, County	–	1	–	–	3	1	–	1	4	15	54	14	6
Longford „	–	1	–	–	2	1	1	1	4	25	116	14	6
Louth „	–	1	–	–	1	3	1	1	5	28	119	26	7
Mayo „	–	1	–	1	3	1	2	1	9	45	196	32	11
Meath „	–	–	1	–	1	3	3	1	7	52	220	43	9
Monaghan „	–	–	1	–	–	2	2	1	4	24	110	14	6
Queen's „	–	1	–	–	2	4	1	1	9	49	195	48	10
Roscommon „	–	–	1	–	3	2	1	1	6	40	146	28	8
Sligo „	–	1	–	–	2	2	1	1	5	31	130	24	7
Tipperary, North Riding	–	1	–	–	1	4	1	1	7	73	305	18	7
Tipperary, South Riding	–	1	–	–	2	3	2	1	8	74	349	21	10

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Tyrone, County	–	1	–	–	1	2	2	1	5	24	114	12	7
Waterford „	–	1	–	–	1	3	1	1	5	25	92	8	7
Waterford, City	–	–	–	–	–	1	–	–	1	9	38	2	2
Westmeath, County	–	1	–	–	4	–	2	1	6	44	204	23	8
Wexford „	–	1	–	–	1	4	1	1	8	44	202	13	9
Wicklow „	–	1	–	1	–	1	3	1	5	31	145	25	7
Totals	5	22	8	6	63	81	59	37	222	1,403	6,251	770	291
Reserve Force at Depôt	–	–	–	–	2	–	–	4	–	34	166	–	20
Totals	5	22	8	6	65	81	59	41	222	1,437	6,417	770	311

RECAPITULATION.

	General Force.	Reserve Force.		General Force.	Reserve Force.
Inspector-general	1	–	Sub-Inspectors, extra Rate	6	–
Deputy Inspectors-general	2	–	Ditto 1st ditto	63	2
Provincial Inspectors	2	–	Ditto 2d ditto	81	–
Receiver	1	–	Ditto 3d ditto	59	–
Surgeon	1	–	Head Constables, 1st Rate	37	4
Veterinary Surgeon	1	–	Ditto 2d ditto	222	–
Paymasters	18	–	Constables	1,403	34
County Inspectors, 1st Rate	5	–	Sub-Constables, 1st Rate	6,251	166
Ditto 2d ditto	22	–	Ditto 2d ditto	770	–
Ditto 3d ditto	8	–	Total	8,953	206
			Horses	291	20

Constabulary Office, Dublin Castle,
16 February 1844.

D. M'Gregor.

No. 2.

STATEMENT of the whole Expenditure upon the Constabulary Force of Ireland, in each County, County of a City, and County of a Town, for the Year ended 31st December 1843.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.	COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim, County	10,757	3	6½	Limerick, County	17,437	8	9½
Armagh „	7,627	14	3¼	Limerick, City	3,008	17	7¾
Carlow „	8,140	4	6	Londonderry, County	5,454	9	10¾
Carrickfergus, Town	182	9	–	Longford „	8,087	14	5½
Cavan, County	9,696	13	4	Louth „	8,417	5	–½
Clare „	15,423	15	5	Mayo „	13,805	12	4¾
Cork „	27,746	14	1½	Meath „	13,696	1	7½
Cork, City	3,662	17	9½	Monaghan „	7,233	2	1¾
Donegal, County	12,623	9	2	Queen's „	12,804	4	4¼
Down „	8,823	–	5¾	Roscommon „	13,354	6	5¼
Drogheda, Town	493	9	7	Sligo „	9,094	6	6
Dublin, County	10,092	19	11	Tipperary „	39,577	–	8¾
Fermanagh „	6,656	16	2¾	Tyrone „	8,009	11	8
Galway „	26,506	1	9½	Waterford „	8,969	3	–
Galway, Town	1,523	14	10¾	Waterford, City	1,946	14	6¾
Kerry, County	9,772	8	6	Westmeath, County	12,377	1	4½
Kildare „	11,134	6	4½	Wexford „	12,335	16	11½
Kilkenny „	18,858	14	5½	Wicklow „	9,904	14	2
Kilkenny, City	1,121	5	4¾	Reserve Force	8,809	3	2½
King's County	13,793	3	8¾	Total £.	427,122	6	1¼
Leitrim „	8,162	8	7¾				

Note.—This is a perfect Return.

Constabulary Office, Dublin,
22 March 1844.

A. W. Cane,
Receiver.

No. 3.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st January 1844, and of the TOTAL EXPENDITURE upon the said Constabulary Force, for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by Counties, Cities and Towns.

Number.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
2	Provincial Inspectors			
1	Receiver			
1	Surgeon			
1	Veterinary Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, extra Rate	436,152 10 8½	264,414 9 –	171,738 1 8½
65	- - ditto - - 1st Rate			
81	- - ditto - - 2d ditto			
59	- - ditto - - 3d ditto			
41	Head Constables, 1st Rate			
222	- - ditto - - 2d ditto			
1,437	Constables			
6,417	Sub-Constables, 1st Rate			
770	- - ditto - 2d ditto			
311	Horses			
60	Magistrates			

Note.—This is a perfect Return.

Constabulary Office, Dublin,
22 March 1844.

A. W. CANE,
Receiver.

(A.)

RETURN of the SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st January 1844.

	Annual Salaries and Allowances.
	£. s. d.
INSPECTOR-GENERAL:	
Salary per annum	1,500 – –
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 1 *l.*	
Travelling allowance, at 1 *s.* 6 *d.* per mile, going to and returning from such duty.	
Salary of Clerks in Inspector-general's office	1,000 – –
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 – –
Extra pay and travelling allowance same as Inspector-general.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 – –
Extra pay and travelling allowance same as Inspector-general.	
RECEIVER:	
Salary per annum	600 – –
Ditto for Clerks and office	600 – –
SURGEON:	
Salary per annum	300 – –
VETERINARY SURGEON:	
Salary per annum	70 – –
Travelling allowance, at 1 *s.* per mile, for going to fairs five miles distant from Dublin to inspect horses purchased for the constabulary.	
PROVINCIAL INSPECTORS:	
Salary per annum	500 – –
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 10 *s.*	
Travelling allowance, when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile, going and returning.	
Forage for two horses, at 2 *s.* per diem each.	

	Annual Salaries and Allowances. £. s. d.
PROVINCIAL INSPECTORS—*continued.*	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage: Actual expense, per postmaster's receipt, to be certified at the foot of the quarterly account that the letters were on the Public Service.	
For an office, and for fuel and candles for the same, annually	18 5 –
MAGISTRATES:	
As per Return hereunto annexed, marked (B.)	
COUNTY INSPECTOR, 1st RATE:	
Salary per annum	298 – –
Extra pay at 8 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty which necessarily detains him from his home during the night, and 6 *d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage: Actual expense, per Postmaster's receipt, and certificate that the letters were on the Public Service.	
For an office, and fuel and candles for the same, annually	18 5 –
COUNTY INSPECTOR, 2d RATE:	
Salary per annum	250 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery and postage, and allowance for an office, the same as 1st Rate.	
COUNTY INSPECTOR, 3d RATE:	
Salary per annum	220 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery and postage, and allowance for an office, the same as 1st Rate.	
SUB-INSPECTOR, at EXTRA RATE:	
Salary per annum	180 – –
Extra pay at 7 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty by which he is necessarily detained from home during the night, and 6 *d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2 *s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	2 – –
Postage: Actual expense on Postmaster's receipt, and certificate of the letters being on the Public Service.	

	Annual Salaries and Allowances. £. s. d.
SUB-INSPECTOR, 1st RATE:	
Salary per annum	150 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery and postage, same as extra Rate.	
SUB-INSPECTOR, 2d RATE:	
Salary per annum	120 – –
Extra pay at 5 *s.* per diem, and travelling allowance, same as extra Rate.	
Forage, stationery and postage, same as extra Rate.	
SUB-INSPECTOR, 3d RATE:	
Salary per annum	100 – –
Extra pay at 5 *s.* per diem, and travelling allowanee, same as extra Rate.	
Forage, stationery and postage, same as extra Rate.	
PAYMASTERS:	
Salary per annum	200 – –
Extra pay at 7 *s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance at 1 *s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage: Actual expense vouched by Postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: an eligible constable or sub ditto, to be allotted for this duty.	
For an office, and fuel and candles for the same, per annum	18 5 –
HEAD CONSTABLE, 1st RATE:	
Salary per annum	60 – –
Extra pay at 1 *s.* 6 *d.* per diem, on all duties on which necessarily detained frome home for the night, and for every day on a march from one county to another.	
HEAD CONSTABLE, 2d RATE:	
Salary per annum	50 – –
Extra pay and marching allowance, same as first Rate.	
MOUNTED CONSTABLE:	
Salary per annum	32 – –
Extra pay at 1 *s.* per diem, while attending Assizes or Quarter Sessions as a witness, but 6 *d.* per diem if on duty only there, or at Elections, or on any other service by which he is necessarily detained from his home during the night.	
Travelling allowance at 1 *s.* per diem when on a march from one county to another, but no extra pay for the same period.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 9 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements, 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - -	32 7 –
Extra pay and travelling allowance same as mounted constable.	
CONSTABLE—*continued.*	
For repairs of arms and accoutrements same as mounted constable.	
For lodging allowance same as mounted constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum - - - - -	27 14 –
Extra pay and travelling allowance same as constable.	
For repairs of arms and accoutrements same as constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank there are the following; viz.

Compensation for clothing, when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance at 6 *d.* per month for each county and sub-inspector, head constable, constable and sub-constable.
Rent and expense of a store, at 10 *l.* per annum, in each county and riding.
Allowance to drill constables for depôts, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to head and other constables and sub-constables absent from home on duty in plain clothes; viz.

To a head constable in the country, 3 *s.* per night.
Ditto - - - in Dublin - 4 *s.* „
Ditto - - - in England - 5 *s.* „
To a constable or sub-constable in the country, 2 *s.* – per night.
Ditto - - - - - - - - in Dublin - 2 *s.* 6 *d.* „
Ditto - - - - - - - - in England - 3 *s.* 6 *d.* „
Allowance for straw for bedding at 2 *d.* per month for each head and other constable and sub-constable.

Constabulary Office, Dublin, 22 March 1844.

A. W. CANE, Receiver.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on the 1st January 1844, showing their Numbers, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem.	Stationery per Annum.	Postage.	Allowance for a Clerk per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
One -	1,000 – –	- nil -	- nil -	8	Actual Expense.	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	10 *s.* per night while absent on any duty at such a distance as to be necessarily detained from home for the night.	At 1 *s.* per mile going and returning from duty at any place more than 20 miles distance from home.
One -	677 7 7	184 12 4	- nil -	8		36			
Three -	605 7 –	- nil -	- nil -	8		36			
Two -	461 10 9	184 12 4	- nil -	8		36			
One -	500 – –	- nil -	4 –	8		36			
Eleven -	400 – –	100 – –	4 –	8		36			
Thirty -	400 – –	- nil -	4 –	8		36			
Eleven -	350 – –	- nil -	4 –	8		36			

Constabulary Office, Dublin, 22 March 1844.

A. W. CANE, Receiver.

A STATEMENT of the Amount of CONSTABULARY FORCE in each County, County of a City, and County of a Town, in IRELAND, on the 1st of January 1845 (pursuant to Act of Parliament, 6 Will. 4 c. 13, s. 57).

No. 1.

EFFECTIVE STRENGTH of the Force in Counties, Cities and Towns, on the 1st January 1845.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Antrim, County	1	–	–	–	2	1	3	1	6	33	148	17	8
Armagh „	–	–	1	–	1	3	1	1	5	22	102	19	7
Carlow „	–	1	–	–	2	–	2	1	4	25	114	12	6
Carrickfergus, Town	–	–	–	–	–	–	–	–	–	1	4	–	–
Cavan, County	1	–	–	–	2	2	3	1	8	33	147	33	9
Clare	–	1	–	–	2	2	4	1	6	54	239	31	10
Cork, East Riding	1	–	–	–	4	2	3	1	9	60	265	47	10
Cork, West Riding	–	1	–	–	3	2	2	1	8	36	158	25	9
Cork, City	–	–	–	–	–	1	–	1	1	17	72	11	4
Donegal, County	–	1	–	–	3	2	2	1	9	36	181	8	10
Down „	–	–	1	1	1	2	2	1	6	28	124	16	8
Drogeda, Town	–	–	–	–	–	–	–	1	–	2	11	–	–
Dublin, County	1	–	–	–	2	1	1	1	5	38	147	42	8
Fermanagh „	–	–	1	–	2	1	1	1	3	18	81	12	6
Galway, East Riding	–	1	–	1	1	3	1	1	5	40	182	25	8
Galway, West Riding	–	1	–	–	3	3	1	1	8	39	154	43	9
Galway, Town	–	–	–	–	1	–	–	–	1	5	24	1	1
Kerry, County	–	–	1	–	1	3	2	1	6	28	138	18	8
Kildare „	–	1	–	1	–	2	1	1	5	42	172	33	7
Kilkenny „	–	1	–	–	1	4	3	1	8	64	288	23	10
Kilkenny, City	–	–	–	–	–	–	–	–	1	4	18	2	–
King's County	–	1	–	–	1	2	2	1	5	47	205	42	7
Leitrim „	–	1	–	–	2	2	1	1	5	26	122	13	6
Limerick „	–	1	–	–	2	3	1	1	6	61	291	32	8
Limerick, City	–	–	–	–	1	–	–	–	1	8	36	2	1
Londonderry, County	–	1	–	–	3	1	–	1	4	15	60	8	6
Longford „	–	1	–	–	2	2	–	1	4	26	112	15	6
Louth „	–	1	–	–	1	2	2	1	5	29	119	24	7
Mayo „	–	1	–	1	3	4	1	1	9	45	203	25	11
Meath „	–	–	1	–	–	2	5	1	8	51	232	31	9
Monaghan „	–	–	1	–	–	2	2	1	4	23	99	25	6
Queen's „	–	1	–	1	1	4	1	1	8	49	217	32	9
Roscommon „	–	–	1	–	3	1	2	1	8	46	169	69	8
Sligo „	–	1	–	–	1	1	2	1	5	31	130	26	7
Tipperary, North Riding	–	1	–	–	2	2	2	2	6	92	398	60	9
Tipperary, South Riding	–	1	–	–	2	2	3	2	7	74	323	44	10

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.	Sub-Constables.		Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.		1st Rate.	2d Rate.	
Tyrone, County	1	–	–	–	–	2	3	1	5	25	112	12	7
Waterford „	–	1	–	–	–	4	1	1	4	25	108	13	7
Waterford, City	–	–	–	–	1	–	–	–	1	7	30	1	2
Westmeath, County	–	–	1	–	4	–	2	1	6	45	195	31	8
Wexford „	–	1	–	–	2	3	1	1	7	44	196	22	9
Wicklow „	–	1	–	1	–	2	2	1	5	31	154	18	7
Totals	5	22	8	6	62	75	65	39	217	1,425	6,280	963	288
Reserve Force at Depôt	–	–	–	–	2	–	–	4	–	33	88	76	–
Totals	5	22	8	6	64	75	65	43	217	1,458	6,368	1,039	288

RECAPITULATION.

	General Force.	Reserve Force.
Inspector-general	1	–
Deputy Inspectors-general	2	–
Provincial Inspectors	2	–
Receiver	1	–
Surgeon	1	–
Veterinary Surgeon	1	–
Paymasters	18	–
County Inspectors, 1st Rate	5	–
Ditto 2d ditto	22	–
Ditto 3d ditto	8	–
Sub-Inspectors, extra Rate	6	–
Ditto 1st „	62	2
Ditto 2d „	75	–
Ditto 3d „	65	–
Head Constables, 1st „	39	4
Ditto 2d „	217	–
Constables	1,425	33
Sub-Constables, 1st Rate	6,280	88
Ditto 2d „	963	76
Total	9,193	203
Horses	288	22

Constabulary Office, Dublin Castle,
10 April 1845.

D. M'Gregor, I. G.

No. 2.

STATEMENT of the whole Expenditure upon the Constabulary Force of Ireland, in each County, County of a City, and County of a Town, for the Year ended 31st December 1844.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim	10,818	–	4 ½
Armagh	7,549	17	11 ¾
Carlow	7,648	1	– ½
Carrickfergus	177	4	6 ¾
Cavan	9,567	15	8 ½
Clare	15,550	13	–
Cork	29,905	2	– ½
Cork, City	4,109	17	11 ¾
Donegal	11,927	16	1
Down	8,878	–	11 ¼
Drogheda	506	8	7
Dublin	10,080	5	11 ¾
Fermanagh	6,436	19	4 ¾
Galway	25,144	3	10 ½
Galway, Town	1,855	–	5 ¾
Kerry	11,039	12	7 ¼
Kildare	11,533	18	7 ¼
Kilkenny	18,123	7	5 ½
Kilkenny, City	1,045	10	3 ½
King's	13,473	15	6 ¾
Leitrim	8,149	5	8 ½
Limerick	18,906	9	1 ½
Limerick, City	3,248	9	7 ½
Londonderry	5,111	17	9 ¼
Longford	8,201	15	11 ½
Louth	8,617	2	2 ½
Mayo	14,869	1	10
Meath	14,349	16	– ¾
Monaghan	7,272	5	– ¼
Queen's	13,241	5	1 ½
Roscommon	14,499	10	6 ½
Sligo	9,186	11	9 ½
Tipperary	46,769	14	8 ½
Tyrone	7,599	8	3 ¾
Waterford	9,701	15	8
Waterford, City	2,022	5	7 ½
Westmeath	12,910	15	4 ½
Wexford	11,886	–	2 ¾
Wicklow	10,125	14	4 ½
Reserve Force	10,351	16	7 ½
Total £.	442,392	14	2 ¾

Constabulary Office, Dublin Castle,
10 April 1845.

A. B. Cane,
Receiver.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st January 1845, and of the TOTAL EXPENDITURE upon the said Constabulary Force, for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by Counties, Cities and Towns.

Number.	RANK.	Total Expenses.	Proportions borne by the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
2	Provincial Inspectors			
1	Receiver			
1	Surgeon			
1	Veterinary Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, extra Rate	451,577 1 11¼	271,497 – 8¼	180,080 1 3
64	- - ditto - - 1st Rate			
75	- - ditto - - 2d ditto			
65	- - ditto - - 3d ditto			
43	Head Constables, 1st Rate			
217	- - ditto - - 2d ditto			
1,458	Constables			
6,368	Sub-Constables, 1st Rate			
1,039	- - ditto - - 2d ditto			
310	Horses			
60	Magistrates			

Constabulary Office, Dublin,
10 April 1845.

A. B. CANE,
Receiver.

(A.)

RETURN of the SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st January 1845.

	Annual Salaries and Allowances.
	£. s. d.
INSPECTOR-GENERAL:	
Salary per annum	1,500 – –
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 1 *l.*	
Tarvelling allowance, at 1 *s.* 6 *d.* per mile, going to and returning from such duty.	
Salary of Clerks in Inspector-general's office	1,000 – –
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 – –
Extra pay and travelling allowance same as Inspector-general.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 – –
Extra pay and travelling allowance same as Inspector-general.	
RECEIVER:	
Salary per annum	600 – –
Ditto - Clerks and office	600 – –
SURGEON:	
Salary per annum	300 – –
VETERINARY SURGEON:	
Salary per annum	70 – –
Travelling allowance, at 1 *s.* per mile, going to fares five miles distant from Dublin to inspect horses purchased for the constabulary.	
PROVINCIAL INSPECTOR:	
Salary per annum	500 – –
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 10 *s.*	
Travelling allowance, when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile going and returning.	
Forage for two horses, at 2 *s.* per diem each.	

	Annual Salaries and Allowances. £. s. d.
PROVINCIAL INSPECTOR—*continued.*	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: Actual expense, per postmaster's receipt, to be certified at the foot of the quarterly account, that the letters were on the Public Service.	
For an office, and fuel and candles for the same, annually	18 5 –
MAGISTRATES:	
As per Return hereunto annexed, marked (B.)	
COUNTY INSPECTOR, 1st RATE:	
Salary per annum	298 – –
Extra pay, at 8 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty which necessarily detains him from his home during the night; and 6 *d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance per annum (exclusive of books and printed returns)	8 – –
Postage: Actual expense, per postmaster's receipt, and certificate that the letters were on the Public Service.	
For an office, and fuel and candles for the same annually	18 5 –
COUNTY INSPECTOR, 2d RATE:	
Salary per annum	250 – –
Extra pay and travelling allowance, same as 1st Rate.	
Forage, stationery, postage and allowance for an office the same as 1st Rate.	
COUNTY INSPECTOR, 3d RATE:	
Salary per annum	220 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery, postage and allowance for an office the same as 1st Rate.	
SUB-INSPECTOR, at EXTRA RATE:	
Salary per annum	180 – –
Extra pay, at 7 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty by which he is necessarily detained from home during the night, and 6 *d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2 *s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	2 – –
Postage: Actual expense on Postmaster's receipt, and certificate of the letters being on Public Service.	

	Annual Salaries and Allowances. £. s. d.
SUB-INSPECTOR, 1st RATE:	
Salary per annum	150 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
*SUB-INSPECTOR, 2d RATE:	
Salary per annum	120 – –
Extra pay, at 5 *s.* per diem, and travel-velling allowance, same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
*SUB-INSPECTOR, 3d RATE:	
Salary per annum	100 – –
Extra pay, at 5 *s.* per diem, and travelling allowance, same as extra Rate.	
* Ten of the most deserving of these classes get 10 *l.* a year in addition for "good services."	
PAYMASTER:	
Salary per annum	200 – –
Extra pay, at 7 *s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance, at 1 *s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: Actual expense, vouched by Postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: An eligible constable or sub-constable to be allotted for this duty.	
For an office, and fuel and candles for the same annually	18 5 –
HEAD CONSTABLE, 1st RATE:	
Salary per annum	60 – –
Extra pay, at 1 *s.* 6 *d.* per diem, on all duties on which necessarily detained from home for the night; and for every day on a march from one county to another.	
HEAD CONSTABLE, 2d RATE:	
Salary per annum	50 – –
Extra pay and marching allowance same as 1st Rate.	
MOUNTED CONSTABLE:	
Salary per annum	32 7 –
Extra pay, at 1 *s.* per diem, while attending Assizes or Quarter Sessions as a witness; but 6 *d.* per diem if on duty only there, or at Elections, or on any other service by which he is necessarily detained from his home during the night.	
Travelling allowance, at 1 *s.* per diem, when on a march from one county to another, but no extra pay for the same period.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 9 *s.* 4 *d.* per diem.	
For repairs of arms and accoutrements, 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - -	32 7 –
Extra pay and travelling allowance same as mounted constable.	
CONSTABLE—*continued.*	£. s. d.
For repairs of arms and accoutrements same as mounted constable.	
For lodging allowance same as mounted constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum - - - - -	27 14 –
Extra pay and travelling allowance same as constable.	
For repairs of arms and accoutrements same as constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank, there are the following; viz.,

Compensation for clothing when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance, at 6 *d.* per month, for each county and sub-inspector, head constable, constable and sub-constable.
Rent and expense of a store, at 10 *l.* per annum, in each county and riding.
Allowance to drill constables for depôts, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to head and other constables and sub-constables absent from home on duty in plain clothes; viz.

To a head constable in the country, 3 *s.* per night.
Ditto - - - in Dublin - 4 *s.* „
Ditto - - - in England - 5 *s.* „
To a constable or sub-constable in the country, 2 *s.* – per night.
Ditto - - - - - - - in Dublin - 2 *s.* 6 *d.* „
Ditto - - - - - - - - in England - 3 *s.* 6 *d.* „

Allowance for straw for bedding, at 2 *d.* per month for each head and other constable and sub-constable.

Constabulary Office, Dublin,
10 April 1845.

A. B. CANE,
Receiver.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on the 1st January 1845, showing their Numbers, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem.	Stationery per Diem.	Postage.	Allowance for a Clerk per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
One -	1,000 – –	- nil -	- nil -	8	Actual Expense.	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	10 *s.* per night while absent on any duty at such a distance as to be necessarily detained from home for the night, and 2 *s.* 6 *d.* per day in addition, if on duty in Dublin.	At 1 *s.* per mile going and returning from duty at any place more than 20 miles from home.
Three -	605 7 –	- nil -	- nil -	8		- nil -			
Two -	461 10 9	184 12 4	- nil -	8		36			
One -	500 – –	- nil -	4 –	8		36			
Eight -	400 – –	100 – –	4 –	8		36			
Thirty-three	400 – –	- nil -	4 –	8		36			
Twelve -	350 – –	- nil -	4 –	8		36			

Constabulary Office, Dublin,
10 April 1845.

A. B. CANE,
Receiver.

A STATEMENT

A STATEMENT of the Amount of CONSTABULARY FORCE in each County, County ofa City, and County of a Town, in IRELAND, on the 1st of January 1846 (pursuant to Act of Parliament, 6 Will. 4, c. 13, s. 57).

No. 1.

EFFECTIVE STRENGTH of the Force in Counties, Cities and Towns, on the 1st January 1846.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.		Sub-Constables.			Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.	—	On Extra Pay.	1st Rate.	1st Rate on Extra Pay.	2d Rate.	
COUNTIES:															
Antrim	1	–	–	–	2	1	3	1	6	33	1	129	5	32	8
Armagh	–	1	–	–	1	3	1	1	5	22	1	88	5	27	7
Carlow	–	1	–	–	2	–	2	1	3	25	1	118	2	4	4
Cavan	1	–	–	–	2	3	3	1	8	51	2	224	10	113	18
Clare	–	1	–	–	2	5	1	1	8	52	1	232	9	32	9
Cork, E.	1	–	–	–	4	2	3	1	9	63	3	236	8	76	11
Cork, W.	–	–	1	–	4	2	2	1	8	35	1	136	8	43	10
Donegal	–	1	–	–	1	3	3	1	9	37	1	154	6	27	9
Down	–	–	1	1	1	2	2	1	6	26	1	105	4	29	7
Dublin	1	–	–	–	2	1	1	1	5	37	1	137	4	51	7
Fermanagh	–	–	1	1	1	1	1	1	4	29	2	122	4	24	8
Galway, E.	–	1	–	1	3	1	1	1	6	39	2	166	3	34	6
Galway, W.	–	1	–	–	2	4	1	1	9	39	2	142	5	53	9
Kerry	–	–	1	–	–	5	1	1	6	25	1	108	5	26	7
Kildare	–	1	–	1	–	2	2	1	5	40	1	143	5	57	6
Kilkenny	–	1	–	–	–	4	4	1	8	65	2	253	7	58	10
King's	–	1	–	–	1	1	3	1	5	52	1	200	4	60	7
Leitrim	–	1	–	–	2	1	2	1	7	37	2	184	17	64	3
Limerick	–	1	–	–	2	2	2	1	7	71	1	305	8	35	10
Londonderry	–	1	–	–	3	1	–	1	3	14	1	58	4	14	5
Longford	–	1	–	–	2	2	–	1	4	31	1	100	5	51	6
Louth	–	1	–	–	1	2	2	1	5	29	–	111	4	29	6
Mayo	–	1	–	1	3	4	1	1	9	46	1	173	9	44	10
Meath	–	–	1	–	–	3	4	1	8	52	–	191	6	64	9
Monaghan	–	–	1	–	–	2	2	1	4	23	1	91	5	26	5
Queen's	–	1	–	1	3	2	1	1	9	48	1	214	5	48	8
Roscommon	–	–	1	–	3	3	–	1	11	56	1	275	6	106	8
Sligo	–	1	–	–	2	–	3	1	5	30	1	121	6	31	7
Tipperary, N.	–	1	–	–	3	2	1	3	6	88	3	392	7	68	9
Tipperary, S.	–	1	–	–	3	1	3	2	8	76	2	306	7	70	9
Tyrone	1	–	–	–	–	2	3	1	5	23	1	105	5	22	6
Waterford	–	1	–	–	–	4	1	1	5	25	1	99	6	19	7
Westmeath	–	–	1	–	3	–	3	1	6	46	1	196	5	34	8
Wexford	–	1	–	–	3	2	2	1	6	43	1	181	8	27	9
Wicklow	–	1	–	–	1	1	3	1	5	32	1	134	3	26	7
CITIES and TOWNS:															
Carrickfergus	–	–	–	–	–	–	–	–	–	1	–	4	–	–	–
Cork	–	–	–	–	–	1	–	1	1	16	1	75	3	3	4
Drogheda	–	–	–	–	–	–	–	1	–	2	–	11	–	–	–

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.		Sub-Constables.			Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.	—	On Extra Pay.	1st Rate.	1st Rate on Extra Pay.	2d Rate.	
CITIES and TOWNS—*continued.*															
Galway	–	–	–	–	1	–	–	–	1	5	–	18	–	3	1
Kilkenny	–	–	–	–	–	–	–	1	–	4	–	20	–	–	–
Limerick	–	–	–	–	1	–	–	–	1	8	–	31	1	6	1
Waterford	–	–	–	–	1	–	–	1	–	7	–	27	1	2	1
TOTALS	5	22	8	6	65	75	67	42	226	1,483	45	6,115	215	1,538	292
Reserve Force at Depôt	–	–	–	–	2	–	–	4	–	11	1	118	9	29	29
TOTALS	5	22	8	6	67	75	67	46	226	1,494	46	6,233	224	1,567	321

RECAPITULATION.

	General Force.	Reserve Force.		General Force.	Reserve Force.
Inspector-general	1	–	Sub-Inspectors, 2d Rate	75	–
Deputy Inspectors-general	2	–	Ditto 3d ditto	67	–
Provincial Inspectors	2	–	Head Constables, 1st Rate	42	4
Receiver	1	–	Ditto 2d ditto	226	–
Surgeon	1	–	Constables	1,483	11
Veterinary Surgeon	1	–	Ditto, mounted, on extra pay	45	1
Paymasters	18	–	Sub-Constables, 1st Rate	6,115	118
County Inspectors, 1st Rate	5	–	Ditto, mounted, on extra pay	215	9
Ditto 2d ditto	22	–	Ditto 2d Rate	1,538	29
Ditto 3d ditto	8	–	TOTAL	9,938	174
Sub-Inspectors, extra Rate	6	–			
Ditto 1st ditto	65	2	Horses	292	29

Constabulary Office, Dublin Castle,
9 February 1846.

D. M'GREGOR,
Inspector-general.

No. 2.

STATEMENT of the whole EXPENDITURE upon the CONSTABULARY FORCE of IRELAND, in each County, County of a City, and County of a Town, for the Year ended 31st December 1845.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.	COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim	10,480	11	6¾	Limerick	19,157	5	9½
Armagh	7,551	12	10	Limerick, City	3,050	2	–¼
Carlow	7,396	19	–¼	Londonderry	5,045	10	9½
Carrickfergus, Town	159	–	8	Longford	9,379	19	6¾
Cavan	17,254	19	7	Louth	8,392	–	1
Clare	15,731	14	11	Mayo	13,608	5	2
Cork	28,469	–	9	Meath	13,898	3	5½
Cork, City	3,754	5	4¾	Monaghan	6,965	16	1¾
Donegal	11,896	4	2¾	Queen's	13,693	18	7¼
Down	8,499	1	8¾	Roscommon	18,884	4	5½
Drogheda, Town	489	17	2¼	Sligo	9,783	16	3
Dublin	9,568	17	5½	Tipperary	42,045	6	11½
Fermanagh	8,005	16	5	Tyrone	7,750	8	5½
Galway	24,293	14	6½	Waterford	9,152	18	5¼
Galway, Town	1,855	13	10	Waterford, City	1,570	8	4¼
Kerry	9,895	1	6	Westmeath	12,286	2	11½
Kildare	10,347	7	1¾	Wexford	11,662	4	10¾
Kilkenny	18,113	9	9¾	Wicklow	9,732	–	8
Kilkenny, City	859	2	3¾	Reserve Force	13,576	1	8
King's	13,592	–	2¾				
Leitrim	13,500	15	7¾	TOTAL £.	451,350	1	5½

Constabulary Office, Dublin Castle,
4 May 1846.

A. B. CANE,
Receiver.

No. 3.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st of January 1846, and of the TOTAL EXPENDITURE upon the said Constabulary Force for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by Counties, Cities and Towns.

Number.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
2	Provincial Inspectors			
1	Receiver			
1	Surgeon			
1	Veterinary Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, extra Rate	460,673 7 1½	276,326 16 4	184,346 10 9½
67	- - ditto - - 1st ditto			
75	- - ditto - - 2d ditto			
67	- - ditto - - 3d ditto			
46	Head Constables, 1st Rate			
226	- - ditto - - 2d ditto			
1,540	Constables			
457	Sub-Constables, 1st Rate			
1,567	- - ditto - 2d ditto			
321	Horses			
61	Magistrates			

Constabulary Office, Dublin Castle, 4 May 1846.

A. B. CANE, Receiver.

(A.)

RETURN of the RATES of SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st January 1846.

	Annual Salaries and Allowances. £. s. d.
INSPECTOR-GENERAL:	
Salary per annum	1,500 – –
Extra pay for every day on duty at such a distance as to be detained from his home for the night, 1*l.*	
Travelling allowance at 1*s.* 6*d.* per mile, going to and returning from such duty.	
Salary of Clerks in Inspector-general's office	1,000 – –
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 – –
Extra pay and travelling allowance same as Inspector-general.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 – –
Extra pay and travelling allowance same as Inspector-general.	
RECEIVER:	
Salary per annum	600 – –
Ditto - - Clerks and Office	600 – –
SURGEON:	
Salary per annum	300 – –
VETERINARY SURGEON:	
Salary per annum	70 – –
Travelling allowance at 1*s.* per mile, going to fairs five miles distant from Dublin, to inspect horses purchased for the constabulary.	
PROVINCIAL INSPECTORS:	
Salary per annum	500 – –
Extra pay for every day on duty at such a distance as to be detained from his home for the night, 10*s.*	
Travelling allowance when ordered on duty to any distance above 20 miles from his station, at the rate of 1*s.* per mile going and returning.	
Forage for two horses, at 2*s.* per diem each.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –

	Annual Salaries and Allowances. £. s. d.
PROVINCIAL INSPECTORS—*continued.*	
Postage: Actual expense, per Postmasters's receipt, to be certified at the foot of the quarterly account that the letters were on the Public Service.	
For an office, and for fuel and candles for the same, annually - - - - -	18 5 –
MAGISTRATES:	
As per Return hereunto annexed, marked (B.)	
COUNTY INSPECTOR, 1st RATE:	
Salary per annum - - - - -	298 – –
Extra pay, at 8*s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty which necessarily detains him from his home during the night, and 6*d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2*s.* per diem each.	
Stationery, commuted allowance per annum (exclusive of books and printed returns) - - - - - - - -	8 – –
Postage: Actual expense, per Postmaster's receipt, and certificate that the letters were on the Public Service.	
For an office, and fuel and candles for the same, annually - - - - -	18 5 –
COUNTY INSPECTOR, 2d RATE:	
Salary per annum - - - - -	250 – –
Extra pay and travelling allowance, same as 1st Rate.	
Forage, stationery, postage and allowance for an office, the same as 1st Rate.	
COUNTY INSPECTOR, 3d RATE:	
Salary per annum - - - - -	220 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery, postage and allowance for an office the same as 1st Rate.	
SUB-INSPECTOR, at EXTRA RATE:	
Salary per annum - - - - -	180 – –
Extra pay, at 7*s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty by which he is necessarily detained from home during the night, and 6*d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2*s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum - - - - - - - -	2 – –
Postage: Actual expense on Postmaster's receipt, and certificate of the letters being on Public Service.	
SUB-INSPECTOR, 1st RATE:	
Salary per annum - - - - -	150 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	

	Annual Salaries and Allowances. £. s. d.
SUB-INSPECTOR, 2d RATE:	
Salary per annum - - - - -	120 – –
Extra pay, at 5*s.* per diem, and travelling allowance the same as extra Rate.	
Forage, stationery and postage, same as extra Rate.	
SUB-INSPECTOR, 3d RATE:	
Salary per annum - - - - -	100 – –
Extra pay, at 5*s.* per diem, and travelling allowance, same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
N. B.—Ten of the most deserving of the second and third classes get 10*l.* a year in addition for "good services."	
PAYMASTER:	
Salary per annum - - - - -	200 – –
Extra pay, at 7*s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance, at 1*s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum - - - - - - - -	8 – –
Postage: Actual expense, vouched by Postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: An eligible constable or sub-constable to be allotted for this duty.	
For an office, and fuel and candles for the same annually - - - - -	18 5 –
HEAD CONSTABLE, 1st RATE:	
Salary per annum - - - - -	60 – –
Extra pay, at 1*s.* 6*d.* per diem, on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
HEAD CONSTABLE, 2d RATE:	
Salary per annum - - - - -	50 – –
Extra pay and marching allowance, same as 1st Rate.	
MOUNTED CONSTABLE:	
Salary per annum (from the 1st May 1845 every mounted constable after a year's satisfactory service, to have an increase of 3*l.* per annum to his salary) - - - - - - -	32 7 –
Extra pay, at 1*s.* per diem while attending Assizes or Quarter Sessions as a witness, but 6*d.* per diem if on duty only there, or at Elections, or any other service by which he is necessarily detained from his home during the night.	
Travelling allowance at 1*s.* per diem, while on a march from one county to another, but no extra pay for the same period.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 9 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements, 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - -	32 7 –
Extra pay and travelling allowance same as mounted constable.	
For repairs of arms and accoutrements same as mounted constable.	
CONSTABLE—*continued.*	
For lodging allowance same as mounted constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum (from the 1st May 1845), every mounted sub-constable, after a year's satisfactory service, to have an increase of 1 *l.* 10 *s.* per annum to his salary - - - - -	27 14 –
Extra pay and travelling allowance same as constable.	
For repairs of arms and accoutrements same as constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank, there are the following; viz.

Compensation for clothing when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance at 6 *d.* per month for each county and sub-inspector, head constable, constable and sub-constable.
Rent and expense of a store, at 10 *l.* per annum, in each county and riding.
Allowance to drill constables for depôt, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to head and other constables and sub-constables absent from home on duty in plain clothes; viz.

To a head constable in the country, 3 *s.* per night.
Ditto - - - in Dublin - 4 *s.* „
Ditto - - - in England - 5 *s.* „

To a constable or sub-constable in the country, 2 *s.* – per night.
Ditto - - - - - - - - in Dublin, - 2 *s.* 6 *d.* „
Ditto - - - - - - - - in England - 3 *s.* 6 *d.* „

Allowance for straw for bedding at 2 *d.* per month for each head and other constable and sub-constable.

Constabulary Office, Dublin Castle,
4 May 1846.

A. B. CANE,
Receiver.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on 1st January 1846, showing their Numbers, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem.	Stationery per Annum.	Postage.	Allowance for a Clerk per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
One -	1,000 – –	- nil -	- nil -	8	Actual Expense.	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	10 *s.* per night while absent on any duty at such a distance as to be necessarily detained from home for the night, and 2 *s.* 6 *d.* per day in addition, if on duty in Dublin.	At 1 *s.* per mile going and returning from duty at any place more than 20 miles distance from home.
Three -	605 7 –	- nil -	- nil -	8		36			
Two -	461 10 9	184 12 4	- nil -	8		36			
Eight -	400 – –	100 – –	4 –	8		36			
Thirty-one	400 – –	- nil -	4 –	8		36			
Sixteen -	350 – –	- nil -	4 –	8		36			

Constabulary Office, Dublin Castle,
4 May 1846.

A. B. CANE,
Receiver.

A STATEMENT of the Amount of Constabulary Force in each County, County of a City, and County of a Town in Ireland, on the 1st of January 1847 (pursuant to Act of Parliament, 6 Will. 4, c. 13, s. 57).

No. 1.

Effective Strength of the Force in Counties, Cities and Towns, on the 1st January 1847.

Counties, Cities and Towns.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.		Sub-Constables.			Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.	—	On Extra Pay.	1st Rate.	1st Rate on Extra Pay.	2d Rate.	
Counties:															
Antrim	1	–	–	–	2	2	2	1	6	32	2	140	4	25	8
Armagh	–	1	–	–	1	3	1	1	5	22	1	103	6	11	7
Carlow	–	1	–	–	2	–	2	1	4	25	1	103	4	17	6
Cavan	1	–	–	–	1	4	3	1	9	52	1	283	8	51	9
Clare	–	1	–	–	3	3	2	1	9	65	1	288	8	212	19
Cork, E.	1	–	–	–	3	2	4	1	9	65	3	245	7	111	11
Cork, W.	–	–	1	–	4	2	2	1	8	40	1	151	7	83	10
Donegal	–	1	–	–	2	2	3	1	9	37	1	158	7	21	10
Down	–	–	1	1	1	4	–	1	6	27	1	106	5	26	8
Dublin	1	–	–	–	2	1	2	1	5	38	–	147	4	39	8
Fermanagh	–	–	1	–	1	1	3	1	4	28	2	122	4	24	7
Galway, E.	–	1	–	–	3	1	2	1	6	39	2	191	4	15	8
Galway, W.	–	1	–	–	3	3	1	1	9	39	2	171	5	23	9
Kerry	–	–	1	–	–	4	2	1	5	28	1	103	7	31	8
Kildare	–	1	–	1	–	2	2	1	5	39	1	177	6	22	7
Kilkenny	–	1	–	–	–	4	4	1	8	63	2	248	8	62	9
King's	–	1	–	–	1	1	3	1	5	51	2	228	3	35	6
Leitrim	–	1	–	–	1	1	3	1	7	37	1	209	6	53	8
Limerick	–	1	–	–	2	2	3	2	10	82	2	386	6	150	10
Londonderry	–	1	–	–	2	1	1	1	4	15	1	59	5	14	6
Longford	–	1	–	–	2	1	1	1	4	31	1	128	5	24	6
Louth	–	1	–	–	–	3	2	1	5	28	1	125	5	18	7
Mayo	–	1	–	2	4	2	1	1	9	49	1	192	9	38	8
Meath	–	–	1	–	–	2	5	1	8	51	1	212	6	43	9
Monaghan	–	1	–	–	–	2	2	1	4	23	1	99	5	15	6
Queen's	–	1	–	1	3	2	1	1	9	52	1	217	8	42	9
Roscommon	–	–	1	1	2	3	–	1	12	58	1	338	7	108	8
Sligo	–	1	–	–	2	1	2	1	5	30	1	140	7	13	6
Tipperary, N.	–	1	–	–	3	2	1	3	7	88	3	421	6	39	9
Tipperary, S.	–	–	1	–	3	1	3	2	7	79	2	332	7	61	10
Tyrone	1	–	–	–	–	2	3	1	5	23	1	105	5	16	6
Waterford	–	1	–	–	1	4	–	1	4	27	–	91	7	29	7
Westmeath	–	–	1	–	3	–	3	1	6	46	1	198	8	33	8
Wexford	–	1	–	–	4	2	1	1	7	45	1	196	7	13	9
Wicklow	–	1	–	–	1	3	1	1	5	32	1	138	4	23	7
Cities and Towns:															
Carrickfergus	–	–	–	–	–	–	–	–	–	1	–	4	–	–	–
Cork	–	–	–	–	–	1	–	1	1	16	1	72	3	7	4
Drogheda	–	–	–	–	–	–	–	1	–	2	–	11	–	–	–

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.		Sub-Constables.			Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.	—	On Extra Pay.	1st Rate.	1st Rate on Extra Pay.	2d Rate.	
Cities and Towns—*continued.*															
Galway	–	–	–	–	1	–	–	–	1	5	–	23	1	1	1
Kilkenny	–	–	–	–	–	–	–	1	–	4	–	15	–	5	–
Limerick	–	–	–	–	1	–	–	–	2	8	–	34	1	3	1
Waterford	–	–	–	–	1	–	–	1	–	7	–	25	1	4	1
Totals	5	22	8	6	65	74	71	43	234	1,529	46	6,734	216	1,560	296
Reserved Force at Depôt	–	–	–	–	2	1	–	5	3	7	1	255	7	91	32
Totals	5	22	8	6	67	75	71	48	237	1,536	47	6,989	223	1,651	328

Recapitulation.

	General Force.	Reserve Force.
Inspector-general	1	–
Deputy Inspectors-general	2	–
Assistant Inspectors-general	2	–
Receiver	1	–
Surgeon	1	–
Veterinary Surgeon	1	–
Paymasters	18	–
County Inspectors, 1st Rate	5	–
Ditto 2d ditto	22	–
Ditto 3d ditto	8	–
Sub-Inspectors, extra Rate	6	–
Ditto 1st ditto	65	2
Sub-Inspectors, 2d Rate	74	1
Ditto 3d ditto	71	–
Head Constables, 1st Rate	43	5
Ditto 2d ditto	234	3
Constables	1,529	7
Ditto, mounted, on extra pay	46	1
Sub-Constables, 1st Rate	6,734	255
Ditto, mounted, on extra pay	216	7
Ditto 2d Rate	1,560	91
Total	10,639	372
Horses	296	32

Constabulary Office, Dublin Castle,
3 June 1847.

D. M'Gregor,
Inspector-general.

No. 2.

STATEMENT of the whole Expenditure upon the Constabulary Force of Ireland, in each County, County of a City, and County of a Town, for the Year ended 31st December 1846.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim	11,092	18	10
Armagh	8,522	5	4¾
Carlow	7,768	17	9½
Carrickfergus, Town	178	7	–
Cavan	17,680	6	6½
Clare	22,772	15	8
Cork	31,409	11	7½
Cork, City	3,859	14	6½
Donegal	11,870	12	10¾
Down	8,814	6	1
Drogheda, Town	526	5	2½
Dublin	10,177	13	10¾
Fermanagh	9,172	19	5½
Galway	25,094	7	10¾
Galway, Town	2,028	15	3¼
Kerry	10,351	13	–
Kildare	11,195	6	10¼
Kilkenny	18,162	5	4¾
Kilkenny, City	896	1	9
King's	14,020	15	8¼
Leitrim	13,813	12	3¼
Limerick	26,424	16	9¾
Limerick, City	3,134	12	2
Londonderry	5,535	3	7½
Longford	9,132	6	8
Louth	8,653	9	10¼
Mayo	14,936	17	10½
Meath	14,324	14	3
Monaghan	7,092	10	1½
Queen's	14,258	2	6¾
Roscommon	21,077	4	8
Sligo	10,093	1	7¼
Tipperary	44,676	5	1
Tyrone	7,686	6	5¾
Waterford	9,229	5	8¾
Waterford, City	1,579	16	6½
Westmeath	12,549	17	8½
Wexford	12,106	7	8½
Wicklow	9,869	7	10¾
Reserve Force	11,876	16	7½
Total £.	483,646	17	–

Constabulary Office, Dublin Castle,
3 June 1847.

A. B. Cane,
Receiver.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st of January 1847, and of the TOTAL EXPENDITURE upon the said Constabulary Force for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by Counties, Cities and Towns.

Number.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
2	Assistant Inspectors-general			
1	Receiver			
1	Surgeon			
1	Veterinary Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, extra Rate	492,881 1 9½	340,833 9 9	152,047 12 -½
67	- - ditto - - 1st ditto			
75	- - ditto - - 2d ditto			
71	- - ditto - - 3d ditto			
48	Head Constables, 1st Rate			
237	- - ditto - - 2d ditto			
1,583	Constables			
7,212	Sub-Constables, 1st Rate			
1,651	- - ditto - 2d ditto			
328	Horses			
65	Magistrates			

Note—The sum of 340,833 *l.* 9 *s.* 9 *d.*, stated in this Return as the charge on the Consolidated Fund, includes the whole expense of the extra force in counties for the quarter ended 31st December 1846, as the portion thereof chargeable to counties cannot yet be ascertained.

Constabulary Office, Dublin Castle,
3 June 1847.

A. B. CANE,
Receiver.

(A.)

RETURN of the RATES of SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND, on the 1st January 1847.

	Annual Salaries and Allowances.				Annual Salaries and Allowances.		
INSPECTOR-GENERAL:	£.	s.	d.	ASSISTANT INSPECTOR-GENERAL—*cont^d.*	£.	s.	d.
Salary per annum	1,500	-	-	Extra pay for every day on duty at such a distance as to be detained from his home for the night, 10*s.*			
Extra pay for every day on duty at such a distance as to be detained from his home for the night, 1 *l.*				Travelling allowance when ordered on duty to any distance above 20 miles from his station, at the rate of 1*s.* per mile going and returning.			
Travelling allowance, at 1*s.* 6*d.* per mile going to and returning from such duty.				Forage for two horses, at 2*s.* per diem each.			
Salary of Clerks in Inspector-general's office	1,000	-	-	Stationery, commuted allowance (exclusive of books and printed returns) per annum	8	-	-
1st DEPUTY INSPECTOR-GENERAL:				Postage, actual expense per postmaster's receipt, to be certified at the foot of the quarterly account that the letters were on the public service.			
Salary per annum	1,200	-	-	For an office, and fuel and candles for the same, annually	18	5	-
Extra pay and travelling allowance, same as Inspector-general.				RECEIVER:			
2d DEPUTY INSPECTOR-GENERAL:				Salary per annum	600	-	-
Salary per annum	800	-	-	Ditto - - Clerks and office	600	-	-
Extra pay and travelling allowance, same as Inspector-general.							
ASSISTANT INSPECTOR-GENERAL:							
Salary per annum	500	-	-				

	Annual Salaries and Allowances.
	£. s. d.
Surgeon:	
Salary per annum	300 – –
Forage for a horse, at 2 *s.* 6 *d.* per day.	
Veterinary Surgeon:	
Salary per annum	100 – –
Travelling allowance, at 1 *s.* per mile, going to fairs five miles distant from Dublin, to inspect horses purchased for the constabulary.	
Magistrates:	
As per Return hereunto annexed.	
County Inspector, 1st Rate:	
Salary per annum	298 – –
Extra pay, at 8 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty which necessarily detains him from his home during the night, and 6 *d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance per annum (exclusive of books and printed returns)	8 – –
Postage: Actual expense, per Postmaster's receipt, and certificate that the letters were on the Public Service.	
For an office, and for fuel and candles for the same, annually	18 5 –
County Inspector, 2d Rate:	
Salary per annum	250 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery, postage and allowance for an office, same as 1st Rate.	
County Inspector, 3d Rate:	
Salary per annum	220 – –
Extra pay and travelling allowance same as first Rate.	
Forage, stationery, postage and allowance for an office same as 1st Rate.	
Sub-Inspector, at Extra Rate:	
Salary per annum	180 – –
Extra pay at 7 *s.* per diem, while attending Assizes, Quarter Sessions, Elections, or on any duty by which he is necessarily detained from home during the night, and 6 *d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2 *s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	2 – –
Postage: Actual expense on Postmaster's receipt, and certificate of the letters being on the Public Service.	

	Annual Salaries and Allowances.
	£. s. d.
Sub-Inspector, 1st Rate:	
Salary per annum	150 – –
Extra pay and travelling allowance, same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
Sub-Inspector, 2d Rate:	
Salary per annum	120 – –
Extra pay, at 5 *s.* per diem, and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
Sub-Inspector, 3d Rate:	
Salary per annum	100 – –
Extra pay, at 5 *s.* per diem, and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
N. B.—Ten of the most deserving of the second and third Classes get 10 *l.* a year in addition, for "good services."	
Paymaster:	
Salary per annum	200 – –
Extra pay, at 7 *s.* per diem, while attendtending Assizes or Road Sessions.	
Travelling allowance at 1 *s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns) per annum	8 – –
Postage: Actual expense, vouched by Postmaster's receipt, and certificate that all the letters were on the Public Service.	
Clerk: An eligible constable or sub-constable to be allotted for this duty.	
For an office, and fuel and candles for the same, per annum	18 5 –
Head Constable, 1st Rate:	
Salary per annum	60 – –
Extra pay, at 1 *s.* 6 *d.* per diem, on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
Head Constable, 2d Rate:	
Salary per annum	50 – –
Extra pay and marching allowance same as 1st Rate.	
Mounted Constable:	
Salary per annum (from the 1st May 1845 every mounted constable, after a year's satisfactory service, to have an increase of 3 *l.* per annum, per authority, dated 30 April 1845)	32 7 –
Extra pay, at 1 *s.* per diem, while attending Assizes or Quarter Sessions as a witness, but 6 *d.* per diem if on duty only there, or at Elections, or on any other service by which he is necessarily detained from his home for the night.	

(continued)

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Travelling allowance, at 1 *s.* per diem; when on a march from one county to another, but no extra pay for the same period.	
Forage for one horse, at 1 *s.* 8 *d.* per diem, if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 9 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements, 3 *s.* per annum.	
For lodging allowance where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - - -	32 7 –
Extra pay and travelling allowance same as mounted constable.	
For repairs of arms and accoutrements same as mounted constable.	

	Annual Salaries and Allowances.
CONSTABLE—*continued.*	£. s. d.
For lodging allowance same as Mounted Constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum (from the 1st May 1845, every Mounted Sub-Constable, after a year's satisfactory service, to have an increase of 1 *l.* 10 *s.* per annum, per authority, dated 30th April 1845)	27 14 –
Extra pay and travelling allowance same as constable.	
For repairs of arms and accoutrements same as constable.	
For lodging allowance same as constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - - -	24 – –
Extra pay and other allowances same as constable.	

In addition to the allowances specified under each rank, there are the following; viz.

Compensation for clothing, when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance, at 6 *d.* per month, for each county and sub-inspector, head constable, constable and sub-constable.
Rent and expense of a store, at 10 *l.* per annum, in each county and riding.
Allowance to drill constables for depôt, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to head and other constables and sub-constables absent from home on duty in plain clothes; viz.
To a head constable in the country, 3 *s.* per night.
Ditto - - - in Dublin - 4 *s.* „
Ditto - - - in England - 5 *s.* „
To a constable or sub-constable in the country, 2 *s.* – per night.
Ditto - - - - - - - - in Dublin - 2 *s.* 6 *d.* „
Ditto - - - - - - - - in England - 3 *s.* 6 *d.* „

Allowance for straw for bedding, at 2 *d.* per month for each head and other constable and sub-constable.

Constabulary Office, Dublin Castle,
3 June 1847.

A. B. CANE,
Receiver.

(B.)

RETURN of STIPENDIARY MAGISTRATES existing on 1st January 1847, showing their Numbers, and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem.	Stationery per Annum.	Allowance for a Clerk, per Annum.	Allowance in lieu of a Mounted Orderly.	Postage.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.	£.				
One -	1,000 – –	- -	- -	8	36				
Three -	605 7 –	- -	- -	8	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	Actual Expense.	10 *s.* per night while absent on any duty at such a distance as to be necessarily detained from home for the night, and 2 *s.* 6 *d.* per day in addition, if on duty in Dublin.	At 1 *s.* per mile going and returning from duty at any place more than 20 miles distance from home.
Two -	461 10 9	184 12 4	- -	8	36				
Seven -	400 – –	100 – –	4 –	8	36				
Thirty-seven	400 – –	- -	4 –	8	36				
Fifteen -	350 – –	- -	4 –	8	36				

Constabulary Office, Dublin Castle,
3 June 1847.

A. B. CANE,
Receiver.

A STATEMENT

A STATEMENT of the Amount of CONSTABULARY FORCE in each County, County of a City, and County of a Town, in IRELAND, on the 1st day of January 1848 (pursuant to Act 6 Will. 4, c. 13, s. 57).

No. 1.

EFFECTIVE STRENGTH of the FORCE in Counties, Cities and Towns, on the 1st January 1848.

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.		Sub-Constables.			Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.	—	On Extra Pay.	1st Rate.	1st Rate on Extra Pay.	2d Rate.	
COUNTIES:															
Antrim	1	–	–	–	2	3	1	1	6	33	2	131	6	21	8
Armagh	–	1	–	–	4	1	–	1	5	18	1	103	6	12	7
Carlow	–	1	–	–	1	–	3	1	4	25	1	94	4	18	6
Cavan	1	–	–	–	3	3	2	1	9	52	1	261	7	47	10
Clare	–	1	–	–	2	2	3	1	9	64	2	420	7	81	11
Cork, E.	1	–	–	–	3	3	4	1	10	76	3	262	9	161	12
Cork, W.	–	–	1	–	3	2	2	1	10	45	2	185	8	94	10
Donegal	–	1	–	–	2	3	2	1	9	36	1	143	8	42	10
Down	–	–	1	1	1	3	1	1	6	28	1	102	6	15	8
Dublin	1	–	–	–	2	1	1	1	5	37	1	139	3	33	8
Fermanagh	–	1	–	–	1	1	3	1	4	28	2	121	3	17	7
Galway, E.	–	1	–	–	3	2	1	1	6	43	2	194	3	43	8
Galway, W.	–	1	–	–	2	4	1	1	10	43	2	148	6	94	9
Kerry	–	1	–	–	1	3	2	1	6	31	1	104	6	50	8
Kildare	–	1	–	1	1	2	1	1	5	38	–	152	6	31	7
Kilkenny	–	1	–	–	–	4	4	1	1	69	2	265	8	55	10
King's	–	–	1	–	1	1	3	1	5	51	2	216	5	28	7
Leitrim	–	1	–	–	–	–	4	1	7	36	1	201	6	43	8
Limerick	–	–	1	–	2	3	2	3	12	92	2	515	7	144	12
Londonderry	–	1	–	–	2	2	–	1	4	15	1	62	4	7	6
Longford	–	1	–	–	2	1	–	1	4	31	1	125	5	18	6
Louth	–	1	–	–	–	3	1	1	5	30	1	116	5	19	6
Mayo	–	1	–	2	3	2	1	1	9	47	1	199	8	131	11
Meath	–	–	1	–	–	2	5	1	8	59	1	240	7	82	9
Monaghan	–	1	–	–	–	3	1	1	4	21	2	97	5	60	6
Queen's	–	1	–	1	3	2	1	1	9	53	1	229	7	37	9
Roscommon	–	–	1	1	2	2	1	1	12	58	–	377	7	79	8
Sligo	–	1	–	–	1	2	2	1	5	29	1	142	6	5	7
Tipperary, N.	–	1	–	–	4	1	1	3	7	90	3	389	6	145	9
Tipperary, S.	–	–	1	–	3	2	3	2	8	79	2	354	9	110	12
Tyrone	1	–	–	–	–	2	3	1	5	22	–	96	6	17	7
Waterford	–	1	–	–	1	3	1	1	5	36	1	81	5	110	6
Westmeath	–	–	1	–	3	–	3	1	6	45	1	200	7	19	8
Wexford	–	1	–	–	3	1	3	1	7	45	1	176	8	20	9
Wicklow	–	1	–	–	–	3	2	1	5	33	1	118	6	46	7
CITIES and TOWNS:															
Carrickfergus	–	–	–	–	–	–	–	–	–	1	–	4	–	–	–
Cork	–	–	–	–	1	–	–	1	1	1	16	67	3	3	4
Drogheda	–	–	–	–	–	–	–	1	–	2	–	11	–	–	–

COUNTIES, CITIES AND TOWNS.	County Inspectors.			Sub-Inspectors.				Head Constables.		Constables.		Sub-Constables.			Horses.
	1st Rate.	2d Rate.	3d Rate.	Extra Rate.	1st Rate.	2d Rate.	3d Rate.	1st Rate.	2d Rate.	—	On Extra Pay.	1st Rate.	1st Rate on Extra Pay.	2d Rate.	
Cities and Towns—*continued.*															
Galway	–	–	–	–	1	–	–	–	1	6	–	19	1	8	1
Kilkenny	–	–	–	–	–	–	–	1	–	4	–	22	–	2	–
Limerick	–	–	–	–	1	–	–	–	2	8	–	33	1	2	1
Waterford	–	–	–	–	1	–	–	1	–	7	–	26	2	–	2
Depôt for Recruits	–	–	–	–	–	–	4	–	–	–	–	–	–	366	–
Totals	5	22	8	6	65	72	72	44	236	1,567	63	6,939	222	2,315	300
Reserve Force at Phœnix Park	–	–	–	–	1	2	–	6	2	6	2	63	3	318	34
Totals	5	22	8	6	66	74	72	50	238	1,573	65	7,002	225	2,633	334

RECAPITULATION.

	General Force.	Reserve Force.
Inspector-general	1	–
Deputy Inspectors-general	2	–
Assistant Inspectors-general	2	–
Receiver	1	–
Surgeon	1	–
Veterinary Surgeon	1	–
Paymasters	18	–
County Inspectors, 1st Rate	5	–
Ditto 2d ditto	22	–
Ditto 3d ditto	8	–
Sub-Inspectors, extra	6	–
Ditto 1st Rate	65	1
Ditto 2d ditto	72	2
Ditto 3d ditto	72	–
Head Constables, 1st Rate	44	6
Ditto 2d ditto	236	2
Constables	1,567	6
Ditto, mounted, on extra pay	63	2
Sub-Constables, 1st Rate	6,939	63
Ditto, mounted, on extra pay	222	3
Ditto ditto 2d Rate	2,315	318
Total	11,662	403
Horses	300	34

Constabulary Office, Dublin Castle, 18 July 1848.

D. M'GREGOR, Inspector-General.

No. 2.

STATEMENT of the whole EXPENDITURE upon the CONSTABULARY FORCE in IRELAND, in each County, County of a City, and County of a Town, for the Year ended 31st December 1847.

COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.	COUNTY, CITY AND TOWN.	Whole Expenditure for each. £.	s.	d.
Antrim	10,768	18	11¾	Limerick	28,335	7	9¾
Armagh	8,193	19	2¾	Limerick, City	3,590	9	4¼
Carlow	7,503	6	7½	Londonderry	5,298	5	4¼
Carrickfergus, Town	172	–	9¾	Longford	9,319	12	5¼
Cavan	16,698	17	8½	Louth	8,662	18	9
Clare	24,080	4	7	Mayo	17,755	4	–
Cork	36,309	6	3	Meath	16,212	10	5¾
Cork, City	3,551	1	7	Monaghan	7,949	18	2½
Donegal	11,583	18	2¼	Queen's	14,346	14	10
Down	8,438	15	3¾	Roscommon	22,609	11	6½
Drogheda, Town	654	2	–	Sligo	9,778	2	2
Dublin	9,611	12	6½	Tipperary	49,307	1	5¼
Fermanagh	8,063	11	6¾	Tyrone	7,816	–	2½
Galway	27,324	15	9¼	Waterford	9,242	17	1½
Galway, Town	2,164	16	4¾	Waterford, City	1,492	–	5¼
Kerry	10,297	3	11	Westmeath	12,616	16	7½
Kildare	10,868	1	4¾	Wexford	11,905	7	6
Kilkenny	18,661	3	2¼	Wicklow	9,806	19	5½
Kilkenny, City	1,145	3	9¼	Reserve and Depôt	30,261	11	10½
King's	13,452	3	3¼				
Leitrim	13,889	19	4¼	Total £.	519,740	12	–½

Constabulary Office, Dublin Castle, 18 July 1848.

A. B. CANE, Receiver.

No. 3.

No. 3.

SUMMARY of the TOTAL AMOUNT of FORCE employed on the 1st of January 1848, and of the TOTAL EXPENDITURE upon the said CONSTABULARY FORCE, for the whole of IRELAND, for the Year ended at that Period; showing the Proportion of such Total Expense borne on the Consolidated Fund, and the Amount borne by Counties, Cities and Towns.

Number.	RANK.	Total Expense.	Proportion borne on the Consolidated Fund.	Amount borne by Counties, Cities and Towns.
		£. s. d.	£. s. d.	£. s. d.
1	Inspector-general			
2	Deputy Inspectors-general			
2	Assistant Inspectors-general			
1	Receiver			
1	Surgeon			
1	Veterinary Surgeon			
18	Paymasters			
5	County Inspectors, 1st Rate			
22	- - ditto - - 2d ditto			
8	- - ditto - - 3d ditto			
6	Sub-Inspectors, extra Rate	529,617 6 6	505,836 1 3¼	23,781 5 2¾
66	- - ditto - - 1st ditto			
74	- - ditto - - 2d ditto			
72	- - ditto - - 3d ditto			
50	Head Constables, 1st Rate			
238	- - ditto - - 2d ditto			
1,638	Constables			
7,227	Sub-Constables, 1st Rate			
2,633	- - ditto - - 2d ditto			
334	Horses			
69	Magistrates			

Constabulary Office, Dublin Castle, 18 July 1848.

A. B. CANE, Receiver.

No. 4.

RETURN of the RATES of SALARIES and ALLOWANCES of the CONSTABULARY FORCE of IRELAND on the 1st of January 1848.

	Annual Salaries and Allowances.
INSPECTOR-GENERAL:	£. s. d.
Salary per annum	1,500 – –
Extra pay for every day on duty, at such a distance as to be detained from his home for the night, 1 *l.*	
Travelling allowance, at 1 *s.* 6 *d.* per mile, going to and returning from such duty.	
Salary of Clerks in Inspector-general's office	1,840 –
1st DEPUTY INSPECTOR-GENERAL:	
Salary per annum	1,200 – –
Extra pay and travelling allowance same as Inspector-general.	
2d DEPUTY INSPECTOR-GENERAL:	
Salary per annum	800 – –
Extra pay and travelling allowance same as Inspector-general.	
ASSISTANT INSPECTOR-GENERAL:	
Salary per annum	500 – –
ASSISTANT INSPECTOR-GEN.—*cont^d.*	
Extra pay for every day on duty at such a distance as to be detained from his home for the night, 10 *s.*	
Travelling allowance, when ordered on duty to any distance above 20 miles from his station, at the rate of 1 *s.* per mile, going and returning.	
Forage for two horses, at 2 *s.* per diem each.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage, actual expense per Postmaster's receipt, to be certified at the foot of the quarterly account that the letters were on the Public Service.	
For an office and fuel and candles for the same, annually	18 5 –
RECEIVER:	
Salary per annum	600 – –
Ditto, Clerks and Office	600 – –

	Annual Salaries and Allowances. £. s. d.
Surgeon:	
Salary per annum	300 – –
Forage for a horse, at 2*s.* 6*d.* per day.	
Veterinary Surgeon:	
Salary per annum	100 – –
Travelling allowance, at 1*s.* per mile, going to fairs five miles distant from Dublin to inspect horses purchased for the constabulary.	
Magistrates:	
As per Return hereunto annexed.	
County Inspector, 1st Rate:	
Salary per annum	298 – –
Extra pay at 8*s.* per diem while attending assizes, quarter sessions, elections, or on any duty which necessarily detains him from his home during the night, and 6*d.* per mile when called on duty above 20 miles from his residence.	
Forage for two horses, at 2*s.* per diem each.	
Stationery, commuted allowance per annum (exclusive of books and printed returns)	8 – –
Postage, actual expense per postmaster's receipt and certificate that the letters were on the Public Service.	
For an office, and fuel and candles for the same, annually	18 5 –
County Inspector, 2d Rate:	
Salary per annum	250 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery, postage and allowance for an office same as 1st Rate.	
County Inspector, 3d Rate:	
Salary per annum	220 – –
Extra pay and travelling allowance same as 1st Rate.	
Forage, stationery, postage and allowance for an office same as 1st Rate.	
Sub-Inspector, at extra Rate:	
Salary per annum	180 – –
Extra pay, at 7*s.* per diem, while attending assizes, quarter sessions, elections, or on any duty by which he is necessarily detained from home during the night, and 6*d.* per mile for every mile travelled above 40.	
Forage for one horse, at 2*s.* per diem.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	2 – –
Postage, actual expense, on postmaster's receipt and certificate of the letters being on the Public Service.	

	Annual Salaries and Allowances. £. s. d.
Sub-Inspector, 1st Rate:	
Salary per annum	150 – –
Extra pay and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
Sub-Inspector, 2d Rate:	
Salary per annum	120 – –
Extra pay at 5*s.* per diem, and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
Sub-Inspector, 3d Rate:	
Salary per annum	100 – –
Extra pay at 5*s.* per diem, and travelling allowance same as extra Rate.	
Forage, stationery and postage same as extra Rate.	
N.B.—Ten of the most deserving of the second and third classes get 10*l.* a year in addition, for "good services."	
Paymasters:	
Salary per annum	200 – –
Extra pay at 7*s.* per diem, while attending Assizes or Road Sessions.	
Travelling allowance at 1*s.* per mile on said duty.	
Stationery, commuted allowance (exclusive of books and printed returns), per annum	8 – –
Postage, actual expense vouched by postmaster's receipt and certificate that all the letters were on the Public Service.	
Clerk; an eligible constable or subconstable to be allotted for this duty.	
For an office, and fuel and candles for the same, per annum	18 5 –
Head Constable, 1st Rate:	
Salary per annum	60 – –
Extra pay at 1*s.* 6*d* per diem, on all duties on which necessarily detained from home for the night, and for every day on a march from one county to another.	
Head Constable, 2d Rate:	
Salary per annum	50 – –
Extra pay and marching allowance same as first rate.	
Mounted Constable:	
Salary per annum (from the 1st May 1845, every Mounted Constable, after a year's satisfactory service, to have an increase of 3*l.* per annum, per authority, dated 30th April 1845)	32 7 –
Extra pay at 1*s.* per diem, while attending Assizes or Quarter Sessions as a witness, but 6*d.* per diem if on duty only there, or at Elections, or on any other service by which he is necessarily detained from his home for the night.	

	Annual Salaries and Allowances.
MOUNTED CONSTABLE—*continued.*	£. s. d.
Travelling allowance at 1 *s.* per diem when on a march from one county to another, but no extra pay for the same period.	
Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood.	
For repairs of horse appointments, 9 *s.* 4 *d.* per annum.	
For repairs of arms and accoutrements, 3 *s.* per annum.	
For lodging allowance, where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.	
CONSTABLE:	
Salary per annum - - - -	32 7 -
Extra pay and travelling allowance same as mounted constable.	
For repairs of arms and accoutrements same as Mounted Constable.	
CONSTABLE—*continued.*	
For lodging allowance same as Mounted Constable.	
SUB-CONSTABLE, 1st RATE:	
Salary per annum (from the 1st May 1845 every mounted Sub-Constable, after a year's satisfactory service, to have an increase of 1 *l.* 10 *s.* per annum, per authority, dated 30th April 1845) - - - - - - -	27 14 -
Extra pay and travelling allowance same as Constable.	
For repairs of arms and accoutrements same as Constable.	
For lodging allowance same as Constable.	
SUB-CONSTABLE, 2d RATE:	
Salary per annum - - - -	24 - -
Extra pay and other allowances same as Constable.	

In addition to the allowances specified under each rank, there are the following; viz.

Compensation for clothing, when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance at 6 *d.* per month for each County and Sub-Inspector, Head Constable, Constable, and Sub-Constable.
Rent and expense of a store at 10 *l.* per annum in each county and riding.
Allowance for the purchase of public horse, 23 *l.*
Allowance to Drill Constables for depôt at 5 *l.* per annum each.
Stationery for each Constable in charge of a station at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to Head and other Constables and Sub-Constables absent from home on duty in plain clothes; viz.

To a Head Constable in the country, 3 *s.* per night.
To a Head Constable in Dublin, 4 *s.* per night.
To a Head Constable in England, 5 *s.* per night.
To a Constable or Sub-Constable in the country, 2 *s.* per night.
To a Constable or Sub-Constable in Dublin, 2 *s.* 6 *d.* per night.
To a Constable or Sub-Constable in England, 3 *s.* 6 *d.* per night.
Allowance for straw for bedding at 2 *d.* per month for each Head and other Constable or Sub-Constable.

Constabulary Office, Dublin Castle, 18 July 1848.

A. B. CANE, Receiver.

No. 5.

RETURN of STIPENDIARY MAGISTRATES existing on 1st January 1848, showing their Numbers and Rates of Salaries and Allowances.

Number of Magistrates.	Salary per Annum.	Lodging Allowance per Annum.	Forage Allowance per Diem.	Stationery per Annum.	Postage.	Allowance for a Clerk per Annum.	Allowance in lieu of a Mounted Orderly.	Extra Pay.	Travelling Allowance.
	£. s. d.	£. s. d.	s. d.	£.		£.			
Two -	605 7 -	- nil -	- nil -	8	Actual Expense	36	2 *s.* 4 *d.* per diem from the 1st Jan. 1840.	10 *s.* per night while absent on any duty at such a distance as to be necessarily detained from home for the night, and 2 *s.* 6 *d.* per day in addition if on duty in Dublin.	At 1 *s.* per mile going and returning from duty at any place more than 20 miles distance from home.
Two -	461 10 9	184 12 4	- nil -	8		36			
Seven -	400 - -	100 - -	4 -	8		36			
Thirty-seven	400 - -	- nil -	4 -	8		36			
Twenty-one	350 - -	- nil -	4 -	8		36			

Constabulary Office, Dublin Castle, 18 July 1848.

A. B. CANE, Receiver.

ABSTRACT of a STATEMENT of the Amount of CONSTABULARY FORCE employed in each County, County of a City, and County of a Town, in IRELAND, on the 1st day of January 1849 (pursuant to Act 6 Will. 4, c. 13, s. 57).

No. 1.

ABSTRACT STATEMENT, exhibiting the effective Strength of the CONSTABULARY FORCE in each County and County of a City or Town in IRELAND, on 1st January 1849; with the TOTAL EXPENDITURE on account thereof, for the Year ending 31st December 1848.

COUNTIES, CITIES AND TOWNS.	County Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Acting Constables.	Sub-Constables.	Total, all Ranks.	No. of Horses.	Total Expenditure of each County. £.	s.	d.
COUNTIES:											
Antrim	1	6	7	34	17	142	207	8	10,269	8	6½
Armagh	1	5	6	23	13	111	159	7	8,421	17	4½
Carlow	1	4	5	27	5	120	162	6	7,447	8	5
Cavan	1	8	10	54	6	326	405	10	16,964	3	3¾
Clare	1	8	11	72	7	493	592	11	25,968	19	9⅜
Cork	2	19	23	131	34	710	919	23	39,968	8	3½
Donegal	1	8	11	37	13	147	217	10	10,630	12	9½
Down	1	6	7	28	17	119	178	8	8,857	5	3⅜
Dublin	1	5	6	39	3	177	231	8	9,777	12	5¼
Fermanagh	1	5	6	28	13	127	180	7	8,112	15	9⅜
Galway	2	15	19	98	15	548	697	19	30,852	9	9½
Kerry	1	6	7	37	7	173	231	8	12,462	18	−½
Kildare	1	5	7	39	11	182	245	7	10,935	9	7
Kilkenny	1	8	9	71	8	354	451	10	18,900	7	11¾
King's County	1	6	7	53	9	244	320	8	14,386	11	2¼
Leitrim	1	6	9	35	6	250	307	8	13,887	7	8
Limerick	1	9	17	103	17	671	818	11	33,570	14	3
Londonderry	1	4	5	16	8	68	102	6	5,415	17	−½
Longford	1	5	6	32	4	177	225	7	10,470	3	7¾
Louth	1	5	6	31	5	144	192	7	8,772	15	8
Mayo	1	9	10	58	9	333	420	10	19,151	14	9¾
Meath	1	8	10	60	7	316	402	10	16,810	2	3¼
Monaghan	1	4	5	28	4	152	194	6	8,563	17	2½
Queen's County	1	8	12	55	6	269	351	10	14,813	4	8¾
Roscommon	1	7	13	67	7	499	594	9	24,155	9	11
Sligo	1	6	8	30	9	173	227	5	10,928	17	11½
Tipperary	2	19	32	179	28	1,021	1,281	23	53,396	14	5½
Tyrone	1	6	7	25	6	131	176	8	8,280	11	3¾
Waterford	1	6	8	40	11	194	260	7	11,597	5	−¾
Westmeath	1	7	8	48	8	212	284	9	12,590	15	−½
Wexford	1	7	9	41	18	170	246	9	11,496	3	4½
Wicklow	1	5	6	37	7	162	218	6	10,024	7	6¾
CITIES and TOWNS:											
Carrickfergus	-	-	-	1	1	3	5	-	175	12	11¾
Cork	-	1	2	17	9	66	95	4	3,666	10	4¼
Drogheda	-	1	1	2	2	20	26	1	836	14	−¾
Galway	-	1	1	6	2	26	36	1	2,142	17	5¾
Kilkenny	-	-	2	4	2	36	44	-	1,107	1	7
Limerick	-	1	2	7	4	51	65	1	3,077	14	9¼
Waterford	-	1	2	11	3	54	71	2	2,470	18	−¾
Depôt for Recruits	-	1	-	-	-	-	1	-	13,922	17	1½
Reserve Force at Phœnix Park	-	6	10	10	20	332	378	34	16,995	18	9
TOTAL	35	247	332	1,714	381	9,503	12,212	344	552,278	15	8½

No. 2.

No. 2.

ABSTRACT of STATEMENTS, showing the TOTAL STRENGTH of the CONSTABULARY FORCE in IRELAND on the 1st day of January 1849, distinguishing the Number in each Rank, with the Rate of Pay and Allowances to the same respectively.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
		£. s. d.	
Inspector-general - -	1	1,500 - -	Extra pay for every day on duty at such a distance as to be detained from home for the night, 1 *l.*
			Travelling allowance, 1 *s.* 6 *d.* per mile, going and returning.
Ditto - - - - - -		1,975 - -	Salaries of Clerks in Inspector-general's office.
Deputy Inspectors-general	2	800 - - each	Extra pay and travelling allowance same as Inspector-general.
Assistant Inspectors-general	2	500 - - „	Extra pay for every day on duty at such a distance as to be detained from home for the night, 10 *s.*
			Travelling allowance, beyond 20 miles from the station, 1 *s.* per mile.
			Forage for two horses, at 2 *s.* per diem each.
			Stationery, commuted allowance (exclusive of books and printed returns), 8 *l.* per annum.
			Postage, actual expense.
			For an office, and fuel and candles for the same, 18 *l.* 5 *s.* per annum.
Receiver - - -	1	600 - - „	
Ditto - - - - - -		600 - - „	Clerks and office.
Surgeon - - - -	1	300 - - „	Eorage for a horse, at 2 *s.* 6 *d.* per day.
Veterinary Surgeon -	1	100 - - „	Travelling allowance, 1 *s.* per mile going to fairs five miles distant from Dublin, to inspect horses purchased for the Constabulary.
Paymasters - - -	18	200 - - each	Extra pay, at 7 *s.* per diem, while attending assizes or road sessions.
			Travelling allowance, at 1 *s.* per mile.
			Stationery, at 1 *l.* per annum (exclusive of books and printed returns).
			Postage, actual expense.
			Clerk; an eligible Constable or Sub-Constable to be allotted for this duty.
			For an office, and fnel and candles for the same, 18 *l.* 5 *s.* per annum.
Magistrates - - -	70	2 at 605 7 - „	
		2 at 461 10 9 „	184 *l.* 12 *s.* 4 *d.* each per annum, lodging allowance.
		46 at \0 - - „	Whereof six 100 *l.* each per annum, lodging allowance, and 4 *s.* per diem, forage allowance; the remainder the forage allowance of 4 *s.* per diem only.
		20 at 350 - - „	4 *s.* per diem forage allowance.
			Each magisirate has also the following allowances; viz.—
			8 *l.* per annum, stationery.
			Postage, actual expense.
			36 *l.* per annum, allowance foa a Clerk.
			2 *s.* 4 *d.* per diem, allowance in lieu of a Mounted Orderly.
			10 *s.* per night while absent on duty, and 2 *s.* 6 *d.* per day in addition if on duty in Dublin.
			Travelling allowance, 1 *s.* per mile, when 20 miles from home.
County Inspectors, 1st Rate	5	298 - - „	Extra pay, at 8 *s.* per diem, when from home for the night, and 6 *d.* per mile above 20 miles from residence.
			Forage for two horses, at 2 *s.* per diem each.
			Stationery, 8 *l.* per annum (exclusive of books and printed returns).
			Postage. actual expense.
			For an office, and for fuel and candles for the same, 18 *l.* 5 *s.* per annum.
Ditto - - 2d Rate	22	250 - - „	Extra pay and allowances same as 1st Rate.
Ditto - - 3d Rate	8	220 - - „	Extra pay and allowances same as 1st Rate.
Sub-Inspectors, at extra Rate.	6	180 - - „	Extra pay, at 7 *s.* per diem, when detained from home for the night, and 6 *d.* per mile for every mile travelled above 40.
			Forage for one horse, at 2 *s.* per diem.
			Stationery, 2 *l.* per annum (exclusive of books and printed returns).
			Postage, actual expense.
Ditto - - 1st Rate	72	150 - - „	Extra pay and allowances same as extra Rate.

RANK.	No. in each Rank.	Rate of Pay per Annum. £. s. d.	Extra Pay, Travelling and other Allowances.
Sub-Inspectors, 2d Rate -	33	120 – – each	Extra pay, at 5 *s.* per diem, with allowances the same as extra Rate.
Ditto - - 3d Rate -	37	100 – – „	Extra pay, at 5 *s.* per diem, with allowances the same as extra Rate.
			Note.—Ten of the most deserving of the second and third classes get 10 *l.* a year in addition for "good services."
Head Constables, 1st Rate	53	60 – – „	Extra pay, at 1 *s.* 6 *d.* per diem, when detained from home for the night, and for every day on a march from one county to another.
Ditto - - 2d Rate	274	50 – – „	Extra pay and allowances same as 1st Rate.
Mounted Constables -	1,714	* 38 – – „	Extra pay, at 1 *s.* per diem, while attending assizes or quarter sessions as a witness, but 6 *d.* per diem if on duty only there or at elections, or on any other service by which he is necessarily detained from his home for the night.
Constables (Infantry) -		* 36 – – „	
			Travelling allowance, at 1 *s.* per diem, when on a march from one county to another, but no extra pay for the same period.
			Forage for one horse, at 1 *s.* 8 *d.* per diem ; if at livery, actual expense not exceeding 2 *s.* ; and if at grass, actual expense not exceeding the rate of the neighbourhood.
			For repairs of horse appointments, 9 *s.* 4 *d.* per annum.
			For repairs of arms and accoutrements, 3 *s.* per annum.
			For lodging allowance, where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.
Acting Constables (Infantry)	331	* 30 – – „	Extra pay and allowances same as Mounted Constables.
Sub-Constables, 1st Rate	3,101	† 27 14 – „	Extra pay and allowances same as Constable.
Ditto - - 2d Rate	1,921	24 – – „	Extra pay and allowances same as Constable.

* From 1 October 1848.
† From 1 May 1845, every Mounted Sub-Constable, after a year's satisfactory service, to have an increase of 1 *l.* 10 *s.* per annum, per authority, dated 30 April 1845.

In addition to the allowances specified under each rank, there are the following ; viz.

Compensation for Clothing, when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical allowance, at 6 *d.* per month, for each County and Sub-Inspector, Head Constable, Constable and Sub-Constable.
Rent and expense of a store, at 10 *l.* per annum in each county and riding.
Allowance to Drill Constables for depôt, at 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each Constable in charge of a station, at 6 *d.* per month.
Allowance for fuel and light for a guard at each barrack station, not exceeding 5 *l.* per annum.

Allowance to Head and other Constables and Sub-Constables absent from home on duty in plain clothes ; viz.

To a Head Constable in the country, 3 *s.* per night
To a Head Constable in Dublin, 4 *s.* per night.
To a Head Constable in England, 5 *s.* per night.
To a Constable or Sub-Constable in the country, 2 *s.* per night.
To a Constable or Sub-Constable in Dublin, 2 *s.* 6 *d.* per night.
To a Constable or Sub-Constable in England, 3 *s.* 6 *d.* per night.
Allowance for straw for bedding, at 2 *d.* per month for each Head and other Constable and Sub-Constable.

SUMMARY.

Total Number of Officers and Men in the Force on 1 January 1849 (including 70 Magistrates)	12,828
Number of Horses - - - - - - - - - - - - - - - - -	344

Total Expense of the Force in the year 1848 - - - - - - - -	£. 562,506 10 10½
Of which the proportion charged on the Consolidated Fund was - - - -	£. 525,386 8 4½
And the Amount borne by Counties, Cities and Towns, was - - - -	£. 37,120 2 6

CONSTABULARY (IRELAND).——CONSTABULARY (CORK).

ABSTRACT of a STATEMENT of the Amount of CONSTABULARY FORCE employed in each County, County of a City, and County of a Town, in IRELAND, on the 1st day of January 1850 (pursuant to Act 6 Will. 4, c. 13, s. 57); and, of a RETURN of the INCREASE in the Number of the CONSTABULARY FORCE in the County of CORK, since the passing of the Act 9 & 10 Vict. c. 97; the Number of Police Stations since established or augmented; and the Amount charged to the County for defraying the Expense of such Increase of Force.

No. 1.

STATEMENT, exhibiting the EFFECTIVE STRENGTH of the CONSTABULARY FORCE in each County and County of a City or Town in IRELAND, on 1st January 1850; with the TOTAL EXPENDITURE on account thereof, for the Year ending 31st December 1849.

COUNTIES, CITIES AND TOWNS.	County Inspectors.	Sub-Inspectors.	Head Constables.	Constables	Acting Constables.	Sub-Constables.	Total, all Ranks.	Number of Horses.	Total Expenditure of each County for the Year 1849. £.	s.	d.
COUNTIES:											
Antrim	1	6	7	35	14	161	224	8	11,081	13	9¼
Armagh	1	5	6	25	13	109	159	7	9,010	8	3½
Carlow	1	4	5	27	6	113	156	6	7,669	7	2
Cavan	1	8	10	53	6	321	399	10	17,285	6	6½
Clare	1	9	11	66	10	312	409	11	22,757	10	6¾
Cork (East and West)	2	19	25	130	32	733	941	23	40,296	15	4¼
Donegal	1	8	11	34	16	140	210	10	10,642	–	1½
Down	1	6	8	34	12	175	236	8	12,312	5	1¾
Dublin	1	5	6	44	6	177	239	8	9,938	7	2½
Fermanagh	1	5	6	30	9	136	187	7	7,953	6	7
Galway (East and West)	2	15	20	96	18	549	700	19	31,404	4	11¼
Kerry	1	6	7	37	7	180	238	8	12,044	19	11¾
Kildare	1	5	7	46	9	199	267	7	11,292	10	1½
Kilkenny	1	8	9	67	8	354	447	10	19,861	16	8¼
King's County	1	6	7	58	8	272	352	7	15,448	18	3½
Leitrim	1	6	9	40	7	251	314	8	14,061	9	–
Limerick	1	9	17	106	12	657	802	11	32,647	2	4¼
Londonderry	1	4	5	17	7	49	83	6	5,251	12	1½
Longford	1	5	6	31	5	178	226	7	10,358	12	6
Louth	1	5	6	30	7	152	201	7	8,658	1	4¼
Mayo	1	9	10	59	9	337	425	10	19,385	18	1¾
Meath	1	8	10	57	9	331	416	10	16,635	–	8¼
Monaghan	1	4	5	28	6	151	195	6	8,634	8	4¼
Queen's County	1	8	12	52	8	267	348	10	14,773	12	6½
Roscommon	1	7	13	70	8	497	596	9	24,232	13	10¼
Sligo	1	6	8	29	8	172	224	8	11,568	12	8
Tipperary (North and South)	2	19	32	178	19	1,029	1,279	24	55,543	11	3
Tyrone	1	6	7	25	6	133	178	8	8,750	15	11½
Waterford	1	6	8	40	7	199	261	8	12,615	4	3¼
Westmeath	1	7	8	47	9	213	285	9	12,614	18	8¾
Wexford	1	7	8	42	18	176	252	9	11,948	12	9¾
Wicklow	1	4	6	37	7	169	224	7	10,172	11	5½
CITIES and TOWNS:											
Carrickfergus	–	–	–	1	1	3	5	–	175	8	11¾
Cork	–	1	3	19	2	88	113	4	3,927	6	7¾
Drogheda	–	1	1	3	2	18	25	–	1,009	2	4¼
Galway	–	1	1	7	2	47	58	1	2,633	14	11
Kilkenny	–	–	2	4	2	35	43	–	1,556	3	5½
Limerick	–	1	2	10	3	60	76	1	3,406	15	4¾
Waterford	–	1	2	10	2	50	65	2	2,543	4	–¾
Depôt (Recruits)	–	1	–	–	–	419	420	–	7,259	6	
Reserve Force at Phœnix Park	–	6	10	27	24	387	454	39	14,390	2	6
Officers at Head Quarters (*a*)	–	–	–	–	–	–	(*a*) 26	–	9,943	15	9(*b*)
TOTAL	35	247	336	1,751	364	9,999	12,753	353	563,697	9	7¼

(*a*) 1 Inspector-general, 4 Deputy and Assistant Inspectors-general, 1 Receiver, 1 Surgeon, 1 Veterinary Surgeon, and 18 Paymasters.
(*b*) Salaries and Allowances of Officers at Head Quarters, and General Contingencies.

No. 2.

STATEMENT, showing the TOTAL STRENGTH of the CONSTABULARY FORCE in IRELAND on the 1st day of January 1850; distinguishing the Number in each Rank, with the RATE of PAY and ALLOWANCES to the same respectively.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
		£. s. d.	
Inspector-general - -	1	1,500 – –	Extra pay, 1 *l.* per diem when on duty, at such a distance as to be detained from home for the night. Travelling allowance, 1 *s.* 6 *d.* per mile, going and returning.
Ditto - - - - - -		2,154 14 3	Salaries of clerks in Inspector-general's office.
Deputy Inspectors-general	2	800 – – each	Extra pay and travelling allowance same as Inspector-general.
Assistant Inspectors-general.	2	500 – – „	Extra pay, 10 *s.* per diem, when on duty at such a distance as to be detained from home for the night. Travelling allowance, 1 *s.* per mile, when beyond 20 miles from the station. Forage for two horses, at 2 *s.* per diem each.
Receiver - - -	1	600 – –	With 600 *l.* per annum commuted allowance for Clerks and office.
Surgeon - - - -	1	300 – –	Forage for a horse, at 2 *s.* per diem.
Veterinary Surgeon -	1	100 – –	Travelling allowance, 1 *s.* per mile going to fairs five miles distant from Dublin, to inspect horses purchased for the Constabulary.
Paymasters - - -	18	200 – – each	Extra pay, at 7 *s.* per diem, when attending assizes or road sessions. Travelling allowance, at 1 *s.* per mile. Stationery, 8 *l.* per annum (exclusive of books and printed returns). Postage, actual expense. Clerk, an eligible Constable or Sub-Constable to be allotted for this duty. For an office, and for fuel and candles for the same, 18 *l.* 5 *s.* per annum.
Magistrates - - -	70	2 at 605 7 – „ 2 at 461 10 9 „ 50 at 400 – – „ 16 at 350 – – „	184 *l.* 12 *s.* 4 *d.* each per annum lodging allowance. Whereof six have 100 *l.* each per annum lodging allowance, and 4 *s.* per diem forage allowance; the remainder, the forage allowance of 4 *s.* per diem only. 4 *s.* per diem forage allowance. Each Magistrate has also the following allowances; viz. 8 *l.* per annum stationery. 36 *l.* per annum allowance for a Clerk (excepting the two Magistrates having salaries of 605 *l.* 7 *s.*) Postage, actual expense. 2 *s.* 4 *d.* per diem, allowance in lieu of a Mounted Orderly. 10 *s.* per night when absent from home on duty, and 2 *s.* 6 *d.* per day, in addition, if on duty in Dublin. Travelling allowance, 1 *s.* per mile, when beyond 20 miles from home.
County Inspectors, 1st Rate.	5	298 – – „	Extra pay at 8 *s.* per diem when absent from home for the night, and 6 *d.* per mile when called upon duty above 20 miles from residence. Forage for two horses, at 2 *s.* per diem each. Stationery 8 *l.* per annum (exclusive of books and printed returns). Postage, actual expense. For an office, and for fuel and candles for the same, 18 *l.* 5 *s.* per annum.
Ditto - - - 2d Rate	22	250 – – „	Extra pay and allowances same as 1st Rate.
Ditto - - - 3d Rate	8	220 – – „	Extra pay and allowances same as 1st Rate.
Sub-Inspectors, at Extra Rate.	6	180 – – „	Extra pay at 7 *s.* per diem, when detained from home for the night, and 6 *d.* per mile for every mile travelled above 40. Forage for one horse, at 2 *s.* per diem. Stationery 2 *l.* per annum (exclusive of books and printed returns). Postage, actual expense.
Sub-Inspectors - 1st Rate	73	150 – – „	Extra pay and allowances same as extra Rate.
Ditto - - - 2d Rate	81	120 – – „	Extra pay at 5 *s.* per diem, with allowances the same as extra Rate.
Ditto - - - 3d Rate	87	100 – – „	Extra pay at 5 *s.* per diem, with allowances the same as extra Rate. *Note.*—Ten of the most deserving of the Second and Third Classes receive 10 *l.* a year in addition for "good services."
Head Constables, 1st Rate	57	60 – – „	Extra pay at 1 *s.* 6 *d.* per diem, when detained from home for the night, and for every day on a march from one county to another. *Note.*—One Head Constable, specially appointed, receives 70 *l.* per annum.
Ditto - - - 2d Rate	279	50 – – „	Extra pay and allowances same as 1st Rate.
Constables, Mounted -	59	38 – – „	Extra pay at 1 *s.* per diem, when attending assizes or quarter sessions as a witness, but 6 *d.* per diem if on duty only there or at elections, or on any other service by which necessarily detained from home for the night. Travelling allowance at 1 *s.* per diem, when on a march from one county to another, but no extra pay for the same period. Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood. For repairs of horse appointments, 9 *s.* 4 *d.* per annum. For repairs of arms and accoutrements, 3 *s.* per annum. For lodging allowance, where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
Constables, Infantry -	1,602	£. s. d. 36 – – each	Extra pay and allowances for travelling, arms and accoutrements and lodging, same as Mounted Constables. *Note.*—A limited number (not exceeding 15), specially appointed, receive a salary of 40 *l.* each per annum.
Acting Constables, Mounted or Dismounted.	364	30 – – „	Extra pay and allowances same as Constables.
Sub-Constables - 1st Rate	8,555	27 14 – „	Extra pay and allowances same as Constables. *Note.*—Every Mounted Sub-Constable, after a year's satisfactory service, receives an increase of 1 *l.* 10 *s.* per annum. The number of this class receiving 29 *l.* 4 *s.* per annum is 221.
Ditto - - - 2d Rate	1,444	24 – – „	Extra pay and allowances same as Constables.

In addition to the Allowances specified under each Rank, there are the following; viz.

Compensation for Clothing, when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical Allowance, at 6 *d.* per month, for each County and Sub-Inspector, Head Constable, Constable and Sub-Constable.
Rent and expense of a Store, at 10 *l.* per annum, in each County and Riding.
Allowance to Drill Constables for Depôt, 5 *l.* per annum each.
Allowance for the purchase of a public horse, 23 *l.*
Stationery for each Constable in charge of a station, 6 *d.* per month.
Allowance for Fuel and Light for a Guard at each Barrack Station, not exceeding 5 *l.* per annum.
Allowance for Straw for Bedding, at 2 *d.* per month for each Head and other Constable and Sub-Constable.

Allowance to Head and other Constables, and Sub-Constables absent from home on duty in plain clothes; viz.

To a Head Constable in the Country, 3 *s.* per night.
„ in Dublin, 4 *s.* per night.
„ in England, 5 *s.* per night.
To a Constable or Sub-Constable in the Country, 2 *s.* per night.
„ „ in Dublin, 2 *s.* 6 *d.* per night.
„ „ in England, 3 *s.* 6 *d.* per night.

Rates of Pay for Disposable Men; viz.

To a Head Constable in Town or Country in Ireland, 4 *s.* 6 *d.* per night.
To a Constable „ „ „ 3 *s.* „
To a Acting Constable or Constable „ 2 *s.* 6 *d.* „
To a Head Constable out of Ireland, 5 *s.* per night.
To all other Constables „ 3 *s.* 6 *d.* „

SUMMARY.

Total Number of Officers and Men in the Force on 1st January 1850 (including 70 Magistrates) - 12,758
Number of Horses - - - - - - - - - - - - - - - - - 353

Total Expense of the Force in the Year 1849 - - - - - - - - - £. 563,697 9 7¼
Of which the proportion charged on the Consolidated Fund was - - - - - £. 523,771 4 3½
And the Amount borne by Counties, Cities and Towns, was - - - - - - £. 39,926 4 3¾

RETURN of the Increase in the Number of the Constabulary Force in the County of Cork, since the passing of the Act 9 & 10 Vict. c. 97.

YEARS	Increase of Constables and Sub-Constables.	Amount charged on the County.
		£. s. d.
1846 - -	140	595 9 10¾
1847 - -	157	4,481 7 3½
1848 - -	16	5,339 – –
1849 - -	6	5,514 12 6
1850 - -	—	—
Total Increase in the County Force	319	

Number of New Stations established - 24
Number of Old Stations augmented - 62

ABSTRACT of a STATEMENT of the Amount of CONSTABULARY FORCE employed in each County, County of a City, and County of a Town, in IRELAND, on the 1st day of January 1851 (pursuant to Act 6 Will. 4, c. 13, s. 57).

No. 1.

STATEMENT, exhibiting the FFFECTIVE STRENGTH of the CONSTABULARY FORCE in each County and County of a City or Town in IRELAND, on 1st January 1851; with the TOTAL EXPENDITURE on account thereof, for the Year ending 31st December 1850.

COUNTIES, CITIES AND TOWNS.	County Inspectors.	Sub-Inspectors.	Head Constables.	Constables.	Acting Constables.	Sub-Constables	Total, all Ranks.	No. of Horses.	Total Expenditure of each County for the Year 1850. £.	s.	d.
COUNTIES:											
Antrim	1	5	7	37	12	166	228	8	11,121	3	2½
Armagh	1	5	6	25	13	108	158	7	8,625	5	4¾
Carlow	1	4	5	27	6	113	156	6	7,818	17	5¼
Cavan	1	8	10	53	9	315	396	10	16,985	7	6
Clare	1	9	11	62	12	311	406	11	19,608	15	–
Cork (East and West)	2	19	25	132	25	744	947	23	40,891	7	7¾
Donegal	1	8	11	34	17	145	216	10	11,858	–	3¾
Down	1	6	8	34	12	173	234	8	12,115	14	7¼
Dublin	1	5	6	40	7	173	232	8	10,340	18	3¼
Fermanagh	1	5	6	28	8	136	184	7	8,687	15	4¼
Galway (East and West)	2	15	20	97	16	547	697	19	31,582	7	11
Kerry	1	6	7	37	8	177	236	8	12,420	8	10½
Kildare	1	5	7	39	9	191	252	7	11,413	18	10
Kilkenny	1	8	9	66	9	341	434	10	19,648	12	–¼
King's County	1	6	7	56	8	269	347	8	16,517	14	2
Leitrim	1	6	9	40	8	252	316	8	14,300	13	8
Limerick	1	9	17	103	9	651	790	11	32,339	11	2
Londonderry	1	4	5	17	6	73	106	6	5,299	1	6½
Longford	1	5	6	32	6	148	198	7	10,279	5	10¼
Louth	1	5	6	30	8	145	195	7	9,160	16	8¾
Mayo	1	9	10	57	10	265	352	11	17,971	1	–½
Meath	1	8	10	59	9	334	421	10	17,367	14	9¾
Monaghan	1	4	5	29	6	153	198	6	8,802	18	1
Queen's County	1	8	12	52	9	271	353	10	15,012	9	6
Roscommon	1	7	12	67	8	489	584	9	24,653	4	2½
Sligo	1	6	8	32	7	174	228	8	11,101	19	10¾
Tipperary (North and South)	2	19	32	179	21	967	1,220	24	53,938	14	2½
Tyrone	1	6	6	26	6	136	181	8	8,660	15	8½
Waterford	1	6	8	39	7	188	249	7	12,403	8	–½
Westmeath	1	7	8	46	9	214	285	9	12,850	13	2¼
Wexford	1	7	8	38	15	177	246	9	11,771	9	11¾
Wicklow	1	5	6	36	6	173	227	7	10,609	16	9¼
CITIES and TOWNS:											
Carrickfergus	–	–	–	1	–	3	4	–	160	7	11¼
Cork	–	1	3	18	2	87	111	4	4,197	14	7
Drogheda	–	1	1	3	2	19	26	1	1,017	16	5
Galway	–	1	1	7	2	45	56	1	2,744	4	5¾
Kilkenny	–	–	2	5	2	35	44	–	1,515	16	7½
Limerick	–	1	2	10	3	63	79	1	3,642	15	–½
Waterford	–	1	2	10	2	53	66	2	2,616	19	9
Depôt (Recruits)	–	–	–	–	–	454	454	–	8,002	9	11¾
Reserve Force at Phœnix Park	–	6	10	13	21	196	246	36	12,313	1	3¾
Officers at Head Quarters (*a*)	–	–	–	–	–	–	(*a*) 25	–	(*b*)9,814	7	5½
TOTAL	35	246	334	1,716	355	9,674	12,385	352	562,183	14	6¼

(*a*) 1 Inspector-general, 4 Deputy and Assistant Inspectors-general, 1 Receiver, 1 Surgeon, 1 Veterinary Surgeon and 17 Paymasters.

(*b*) Salaries and Allowances of Officers at Head Quarters, and General Contingencies.

No. 2.

No. 2.

STATEMENT, showing the TOTAL STRENGTH of the CONSTABULARY FORCE in IRELAND on the 1st day of January 1851; distinguishing the Number in each Rank, with the RATE of PAY and ALLOWANCES to the same respectively.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
		£. s. d.	
Inspector-general	1	1,500 – –	Extra pay, 1 *l.* per diem, when on duty at such a distance as to be detained from home for the night. Travelling allowance, 1 *s.* 6 *d.* per mile, going and returning.
Ditto		2,286 14 5	Salaries of Clerks in Inspector-general's office.
Deputy Inspectors-general	2	800 – – each	Extra pay and travelling allowance same as Inspector-general.
Assistant Inspectors-general.	2	500 – – „	Extra pay, 10 *s.* per diem, when on duty at such a distance as to be detained from home for the night. Travelling allowance, 1 *s.* per mile, when beyond 20 miles from the station. Forage for two horses, at 2 *s.* per diem each.
Receiver	1	600 – –	With 600 *l.* per annum commuted allowance for Clerks and office.
Surgeon	1	300 – –	Forage for a horse, at 2 *s.* per diem.
Veterinary Surgeon	1	100 – –	Travelling allowance, 1 *s.* per mile going to fairs five miles distant from Dublin, to inspect horses purchased for the Constabulary.
Paymasters	17	200 – – each	Extra pay, at 7 *s.* per diem, while attending assizes or road sessions. Travelling allowance, at 1 *s.* per mile. Stationery, 8 *l.* per annum (exclusive of books and printed returns). Postage, actual expense. 18 *l.* 5 *s.* per annum for an office, and for fuel and candles for the same.
Magistrates	71	1 at 605 7 – 2 at 461 10 9 each 56 at 400 – – „ 12 at 350 – – „	134 *l.* 12 *s.* 4 *d.* each per annum, lodging allowance. Whereof five have 100 *l.* each per annum, lodging allowance, and 4 *s.* per diem, forage allowance; the remainder have only the forage allowance of 4 *s.* per diem. 4 *s.* per diem, forage allowance. Each Magistrate has also the following Allowances; viz. 8 *l.* per annum, stationery. 36 *l.* per annum, allowance for a Clerk (excepting the Magistrate having a salary of 605 *l.* 7 *s.*) Postage, actual expense. 2 *s.* 4 *d.* per diem, allowance in lieu of a Mounted Orderly. 10 *s.* per night when absent from home on duty, and 2 *s.* 6 *d.* per day, in addition, if on duty in Dublin. Travelling allowance, 1 *s.* per mile, when beyond 20 miles from home.
County Inspectors, 1st Rate.	5	298 – – „	Extra pay, at 8 *s.* per diem, when absent from home for the night, and 6 *d.* per mile when called upon duty above 20 miles from residence. Forage for two horses, at 2 *s.* per diem each. Stationery, 8 *l.* per annum (exclusive of books and printed returns). Postage, actual expense. For an office, and for fuel and candles for the same, 18 *l.* 5 *s.* per annum.
Ditto 2d Rate	22	250 – – „	Extra pay and allowances same as 1st Rate.
Ditto 3d Rate	8	220 – – „	Extra pay and allowances same as 1st Rate.
Sub-Inspectors, at extra Rate.	6	180 – – „	Extra pay, at 7 *s.* per diem, when detained from home for the night, and 6 *d.* per mile for every mile travelled above 40. Forage for one horse, at 2 *s.* per diem. Stationery, 2 *l.* per annum (exclusive of books and printed returns). Postage, actual expense.
Sub-Inspectors 1st Rate	72	150 – – „	Extra pay and allowances same as extra Rate.
Ditto 2d Rate	81	120 – – „	Extra pay, at 5 *s.* per diem, with allowances the same as extra Rate.
Ditto 3d Rate	87	100 – – „	Extra pay, at 5 *s.* per diem, with allowances the same as extra Rate. *Note.*—Ten of the most deserving of the Second and Third Classes receive 10 *l.* a year in addition, for "good services."
Head Constables, 1st Rate	57	60 – – „	Extra pay, at 1 *s.* 6 *d.* per diem, when detained from home for the night, and for every day on a march from one county to another. *Note.*—One Head Constable, specially appointed, receives 70 *l.* per annum.
Ditto 2d Rate	277	50 – – „	Extra pay and allowances same as 1st Rate.
Constables, Mounted	54	38 – – „	Extra pay, at 1 *s.* per diem, when attending assizes or quarter sessions as a witness, but 6 *d.* per diem if on duty only there or at elections, or on any other service by which necessarily detained from home for the night. Travelling allowance, at 1 *s.* per diem, when on a march from one county to another, but no extra pay for the same period. Forage for one horse, at 1 *s.* 8 *d.* per diem; if at livery, actual expense not exceeding 2 *s.*; and if at grass, actual expense not exceeding the rate of the neighbourhood. For repairs of horse appointments, 9 *s.* 4 *d.* per annum. For repairs of arms and accoutrements, 3 *s.* per annum. For lodging allowance, where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
		£. s. d.	
Constables, Infantry -	1,662	36 – – each	Extra pay and allowances for travelling, arms and accoutrements, and lodging, the same as Mounted Constables. *Note.*—A limited number, specially appointed, receive a salary of 40 *l.* each per annum.
Acting Constables - -	355	30 – – „	Extra pay and allowances same as Mounted Constables.
Sub-Constables, 1st Rate -	8,432	27 14 – „	Extra pay and allowances same as Constables. *Note.*—Every Mounted Sub-Constable, after a year's satisfactory service, receives an increase of 1 *l.* 10 *s.* per annum. The number of this class, receiving 29 *l.* 4 *s.* per annum, is 277.
Ditto - - 2d Rate -	1,242	24 – – „	Extra pay and allowances same as Constables.

In addition to the Allowances specified under each Rank, there are the following; viz.

Compensation for Clothing when not supplied in kind, at 2 *s.* 7 *d.* per month.
Medical Allowance, at 6 *d.* per month, for each County and Sub-Inspector, Head Constable, Constable and Sub-Constable.
Rent and Expense of a Store, at 10 *l.* per annum, in each County and Riding.
Allowance to Drill Constables for Depôt, 5 *l.* per annum each.
Allowance for the purchase of a Public Horse, 23 *l.*
Stationery for each Constable in charge of a Station, 6 *d.* per month.
Allowance for Fuel and Light for a Guard at each Barrack Station, not exceeding 5 *l.* per annum.
Allowance for Straw for Bedding, at 2 *d.* per month for each Head and other Constable and Sub-Constable.

Allowance to Head and other Constables, and Sub-Constables absent from home on duty in plain clothes; viz.

To a Head Constable in the Country	3 *s.* 0 *d.*	per night.
„ in Dublin	4 *s.* 0 *d.*	
„ in England	5 *s.* 0 *d.*	
To a Constable or Sub-Constable in the Country	2 *s.* 0 *d.*	
„ „ in Dublin	2 *s.* 6 *d.*	
„ „ in England	3 *s.* 6 *d.*	

Rates of Pay for Disposable Men; viz.

To a Head Constable in Town or Country in Ireland	4 *s.* 6 *d.*	per night.
„ Constable - - ditto	3 *s.* 0 *d.*	
„ Acting Constable or Sub-Constable	2 *s.* 6 *d.*	
To a Head Constable, out of Ireland	5 *s.* 0 *d.*	
To all other Constables „	3 *s.* 6 *d.*	

Rates of Extra Pay per Inspector-general's Circular of 14th August 1850 on all duties, except on their periodical tours of inspection, on which the former rates are to be allowed; viz.

Assistant Inspector-general	15 *s.*	per night.
County Inspector	10 *s.*	
Paymaster	8 *s.*	
Surgeon	10 *s.*	
Sub-Inspector, 1st Class	8 *s.*	
Ditto - - 2d Class	7 *s.*	
Ditto - - 3d Class	6 *s.*	

Officers who receive forage allowance will not be entitled to the above rates of extra pay or travelling allowance for any duties which do not take them beyond the radius of 20 miles from their stations.
In cases where the duty extends beyond the radius of 20 miles, and to which the new rates are applicable, the whole distance is to be allowed without the deduction of the 20 miles referred to.

SUMMARY.

Total Number of Officers and Men in the Force on 1st January 1851 (including 71 Magistrates)	12,456
Number of Horses	352

Total Expense of the Force in the Year 1850	£. 562,183 14 6¼
Of which the proportion charged on the Consolidated Fund was	£. 525,024 13 4¼
And the Amount borne by Counties, Cities and Towns, was	£. 37,159 1 2

ABSTRACT of a STATEMENT of the Amount of CONSTABULARY FORCE employed in each County, County of a City, and County of a Town, in IRELAND, on the 1st day of January 1852 (pursuant to Act 6 Will. 4, c. 13, s. 57).

No. 1.

STATEMENT, exhibiting the EFFECTIVE STRENGTH of the CONSTABULARY FORCE in each County and County of a City or Town in IRELAND, on 1st January 1852; with the TOTAL EXPENDITURE on account thereof, for the Year ending 31st December 1851.

COUNTIES, CITIES AND TOWNS.	County Inspectors	Sub-Inspectors.	Head Constables.	Constables.	Acting Constables	Sub-Constables.	Total, all Ranks.	Number of Horses.	Total Expenditure of each County for the Year 1851. £. s. d.
COUNTIES:									
Antrim	1	6	7	37	9	173	233	7	9,793 12 7½
Armagh	1	5	5	24	11	127	173	7	8,434 15 –¾
Carlow	1	4	5	25	5	118	158	6	6,403 3 10¾
Cavan	1	8	10	55	8	320	402	10	14,423 3 6½
Clare	1	9	10	63	13	317	413	10	16,997 12 6¾
Cork (East and West)	2	19	25	132	29	734	941	23	34,928 19 –
Donegal	1	8	11	33	16	151	220	10	12,436 19 7½
Down	1	6	8	34	11	176	236	8	9,716 11 5½
Dublin	1	5	6	38	7	177	234	8	8,582 9 9¾
Fermanagh	1	5	6	30	6	139	187	7	7,144 12 1½
Galway (East and West)	2	15	20	99	17	568	721	19	27,862 5 –¼
Kerry	1	6	7	36	8	177	235	8	10,561 1 6
Kildare	1	5	7	41	9	184	247	7	9,481 19 3
Kilkenny	1	7	9	67	10	355	449	10	16,097 2 5
King's County	1	6	7	56	8	284	362	8	15,574 1 –
Leitrim	1	6	9	39	8	254	317	8	12,141 17 9¾
Limerick	1	9	17	103	10	587	727	11	27,443 11 9½
Londonderry	1	4	5	16	7	73	106	6	4,460 1 3¼
Longford	1	5	6	31	6	152	201	7	8,191 1 4¼
Louth	1	5	7	31	8	195	247	7	8,447 13 5½
Mayo	1	9	9	54	10	247	330	11	14,384 15 9½
Meath	1	8	10	59	9	335	422	10	14,478 17 7
Monaghan	1	4	5	29	7	155	201	6	7,615 15 8½
Queen's County	1	8	12	52	9	280	362	10	13,010 18 11¾
Roscommon	1	7	12	68	7	499	594	9	21,994 14 4
Sligo	1	6	8	30	7	145	197	8	9,837 10 10¾
Tipperary (North and South)	2	19	31	174	21	933	1,180	22	45,873 14 9½
Tyrone	1	6	7	25	7	129	175	8	7,673 6 10
Waterford	1	6	8	40	8	194	257	8	10,669 1 10¾
Westmeath	1	7	8	43	10	218	292	8	11,410 13 8
Wexford	1	7	8	37	12	186	251	9	10,370 1 5¾
Wicklow	1	6		35	6	174	228	8	9,464 14 2¼
CITIES and TOWNS:									
Carrickfergus	–	–	–	1	–	6	7	1	136 11 1¼
Cork	–	1	3	18	4	86	112	4	3,967 4 10¼
Drogheda	–	1	1	3	2	23	30	1	996 13 8¼
Galway	–	1	1	7	2	46	57	1	1,931 – 9¼
Kilkenny	–	1	2	5	2	34	44	–	1,805 5 1¾
Limerick	–	1	2	9	3	66	81	1	3,076 11 4¾
Waterford	–	1	2	10	3	53	69	–	2,301 7 7¼
Depôt (Recruits)	–	–	–	–	–	259	259	–	10,996 2 –¼
Reserved Force at Phœnix Park	–	6	10	13	21	366	416	40	11,903 – 11½
Officers at Head Quarters	–	–	–	–	–	–	(a) 8	–	(b)11,779 18 4
TOTAL	35	248	332	1,707	356	9,695	12,381	352	494.175 16 6¼

(a) 1 Inspector-general, 4 Deputy and Assistant Inspectors-general, 1 Receiver, 1 Surgeon and 1 Veterinary Surgeon.
(b) Salaries and Allowances of Officers at Head Quarters, and General Contingencies not applicable to any County.

No. 2.

STATEMENT, showing the TOTAL STRENGTH of the CONSTABULARY FORCE in IRELAND on the 1st day of January 1852; distinguishing the Number in each Rank, with the RATE of PAY and ALLOWANCES to the same respectively.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
		£. s. d.	
Inspector-general - -	1	1,500 – –	Extra pay, 1 *l.* per diem, when on duty at such a distance as to be detained from home for the night. Travelling allowance, 1 *s.* 6 *d.* per mile, going and returning.
Ditto - - - - - -		2,202 7 3	Salaries of Clerks in Inspector-general's office.
Deputy Inspectors-general	2	800 – – each	Extra pay and travelling allowance same as Inspector-general.
Assistant Inspectors-general.	2	500 – –	Extra pay, 10 *s.* per diem, when on duty at such a distance as to be detained from home for the night. Travelling allowance, 1 *s.* per mile, when beyond 20 miles from the station. Forage for two horses, at 2 *s.* per diem each.
Receiver - - - -	1	700 – – (*a*)	
Ditto - - - - - -		1,517 – –	Salaries of clerks in Receiver's office (*b*).
Surgeon - - - -	1	300 – –	Forage for a horse at 2 *s.* per diem.
Veterinary Surgeon -	1	100 – –	Travelling allowance, 1 *s.* per mile, going to fairs five miles distant from Dublin, to inspect horses purchased for the Constabulary.
Magistrates - - -	71	1 at 605 7 –	
		2 at 461 10 9 each	184 *l.* 12 *s.* 4 *d.* each per annum, lodging allowance.
		60 at 400 – – „	Whereof five have 100 *l.* each per annum, lodging allowance, and 4 *s.* per diem, forage allowance; the remainder have only the forage allowance of 4 *s.* per diem.
		8 at 350 – – „	4 *s.* per diem, forage allowance.
			Each Magistrate has also the following allowances; viz. 8 *l.* per annum, stationery. 36 *l.* per annum, allowance for a Clerk (excepting the Magistrate having a salary of 605 *l.* 7 *s.*) Postage, actual expense. 2 *s.* 4 *d.* per diem, allowance in lieu of a Mounted Orderly. 10 *s.* per night when absent from home on duty, and 2 *s.* 6 *d.* per day, in addition, if on duty in Dublin. Travelling allowance, 1 *s.* per mile, when beyond 20 miles from home.
County Inspectors, 1st Rate.	5	298 – – „	Extra pay, at 8 *s.* per diem, when absent from home for the night, and 6 *d.* per mile when called upon duty above 20 miles from residence. Forage for two horses, at 2 *s.* per diem each. Stationery 8 *l.* per annum (exclusive of books and printed returns). Postage, actual expense. For an office, and for fuel and candles for the same, 18 *l.* 5 *s.* per annum.
Ditto - - - 2d Rate	22	250 – – „	Extra pay and allowances same as 1st Rate.
Ditto - - - 3d Rate	8	220 – – „	Extra pay and allowances same as 1st Rate.
Sub-Inspectors, at extra Rate.	6	180 – – „	Extra pay, at 7 *s.* per diem, when detained from home for the night, and 6 *d.* per mile for every mile travelled above 40. Forage for one horse, at 2 *s.* per diem. Stationery, 2 *l.* per annum (exclusive of books and printed returns). Postage, actual expense.
Sub-Inspectors - 1st Rate	72	150 – – „	Extra pay and allowances same as extra Rate.
Ditto - - - 2d Rate	82	120 – – „	Extra pay, at 5 *s.* per diem, with allowances the same as extra Rate.
Ditto - - - 3d Rate	88	100 – – „	Extra pay, at 5 *s.* per diem, with allowances the same as extra Rate. *Note.*—Ten of the most deserving of the Second and Third Classes receive 10 *l.* a year in addition for "good services."
Head Constables, 1st Rate	57	60 – – „	Extra pay, at 1 *s.* 6 *d.* per diem, when detained from home for the night, and for every day on a march from one county to another. Arms allowance, 3 *s.* per annum. *Note.*—One Head Constable, specially appointed, receives 70 *l.* per annum.
Ditto - - 2d Rate -	275	50 – – „	Extra pay and allowances same as 1st Rate.
Constables, Mounted -	57	38 – – „	Extra pay at 1 *s.* per diem, when attending Assizes or Quarter Sessions as a witness, but 6 *d.* per diem if on duty only there or at elections, or on any other service by which necessarily detained from home for the night. Travelling allowance at 1 *s.* per diem, when on a march from one county to another, but no extra pay for the same period. For repairs of arms and accoutrements, 3 *s.* per annum. For lodging allowance, where there is no barrack accommodation, at a rate not exceeding 6 *s.* per month.

(*a*) Salary of Receiver raised from 600 *l.* to 700 *l.* per annum from 1 April 1851.
(*b*) The annual sum (600 *l.*) formerly allowed for this service was raised to the amount stated from 1st April 1851.

RANK.	No. in each Rank.	Rate of Pay per Annum.	Extra Pay, Travelling and other Allowances.
		£. s. d.	
Constables, Infantry -	1,651	36 – – each	Extra pay and allowances for travelling, arms and accoutrements, and lodging, the same as Mounted Constables. *Note.*—A limited number, specially appointed, receive a salary of 40 *l.* each per annum.
Acting Constables - -	356	30 – – „	Extra pay and allowances same as Mounted Constables.
Sub-Constables - 1st Rate	8,410	27 14 – „	Extra pay and allowances same as Constables. *Note.*—Every Mounted Sub-Constable, after a year's satisfactory service, receives an increase of 1 *l.* 10 *s.* per annum. The number of this class, receiving 29 *l.* 4 *s.* per annum, is 276.
Ditto - - - 2d Rate	1,285	24 – – „	Extra pay and allowances same as Constables.

In addition to the allowances specified under each Rank, there are the following; viz.

Compensation for Clothing when not supplied in kind, 2 *s.* 7 *d.* per month.
Medical Allowance, at 6 *d.* per month, for each County and Sub-Inspector, Head Constable, Constable and Sub-Constable.
Forage for Number of Horses on List of Effectives, at 1 *s.* 8 *d.* per diem each.
Repairs of Horses' Appointments for Effectives, at 9 *s.* 4 *d.* per annum.
Rent and Expense of a Store, at 10 *l.* per annum, in each County and Riding.
Allowance to Drill Constables for Depôt, at 5 *l.* per annum each.
Allowance for the Purchase of a Public Horse, 23 *l.*
Stationery for each Constable in charge of a Station, 6 *d.* per month.
Allowance for Fuel and Light for a Guard at each Barrack Station, not exceeding 5 *l.* per annum.
Allowance for Straw for Bedding, at 2 *d.* per month, for each Head and other Constable and Sub-Constable.

Allowance to Head and other Constables, and Sub-Constables absent from home on duty in plain clothes; viz.

To a Head Constable in the Country - - - - - -	3 *s.* 0 *d.*	per night.
„ in Dublin - - - - - - -	4 *s.* 0 *d.*	
„ in England - - - - - - -	5 *s.* 0 *d.*	
To a Constable or Sub-Constable in the Country - - -	2 *s.* 0 *d.*	
„ „ in Dublin - - - -	2 *s.* 6 *d.*	
„ „ in England - - - -	3 *s.* 6 *d.*	

Rates of Pay for Disposable Men; viz.

To a Head Constable in Town or Country in Ireland - - -	4 *s.* 6 *d.*	per night.
To a Constable „ „ „ - - -	3 *s.* 0 *d.*	
To an Acting Constable or Sub-Constable „ - - -	2 *s.* 6 *d.*	
To a Head Constable out of Ireland „ - - -	5 *s.* 0 *d.*	
To all other Constables „ - - - - - - -	3 *s.* 6 *d.*	

Rates of extra Pay per Inspector-general's Circular of 14th August 1850 on all Duties, except on their periodical tours of Inspection, on which the former Rates are to be allowed; viz.

Assistant Inspector-general - - - - - - - - - -	15 *s.*	per night.
County Inspector - - - - - - - - - - -	10 *s.*	
Surgeon - - - - - - - - - - - -	10 *s.*	
Sub-Inspector, 1st Class - - - - - - - - -	8 *s.*	
Ditto - - 2d Class - - - - - - - -	7 *s.*	
Ditto - - 3d Class - - - - - - - -	6 *s.*	

Officers who receive forage allowance will not be entitled to the above rates of extra pay or travelling allowance for any duties which do not take them beyond the radius of 20 miles from their stations.

In cases where the duty extends beyond the radius of 20 miles, and to which the new Rates are applicable, the whole distance is to be allowed without the deduction of the 20 miles referred to.

SUMMARY.

Total Number of Officers and Men in the Force on 1 January 1852 (including 71 Magistrates) - -	12,452		
Number of Horses -	352		
Total Expense of the Force in the year 1851 - - - - - - - - - - - -	£. 494,175	16	6¼
Of which the proportion charged on the Consolidated Fund was - - - - - -	£. 459,392	6	9¼
And the Amount borne by Counties, Cities and Towns was - - - - - - - -	£. 34,783	9	0

Appendix I.

RETURN of the Parliamentary Establishment of Police in each County, under 11 & 12 Vict. c. 72, and of the Extra Force; showing also the Expense of the Parliamentary and of the Extra Force, in the Year ending 31 March 1853.

Counties, Cities, and Towns.	Parliamentary Establishment, 11 Vict. c. 72. Strength. Chief Inspectors.	Sub-Inspectors.	Head Constables.	Constables and Sub-Constables.	Expense per Annum (paid by Public). £. s. d.	Extra Force Establishment. Strength, on 31 March 1853. Head Constables.	Constables and Sub-Constables.	Expense, Year ending 31 March 1853. Chargeable on Public. £. s. d.	Chargeable on County or District. £. s. d.
Counties:									
Antrim	1	8	11	224	10,216 – –	–	5	43 1 8	43 1 8
Armagh	1	6	8	145	6,863 2 6	–	77	1,480 6 11	1,480 6 11
Carlow	1	5	6	151	6,743 17 6	–	5	87 16 3	87 16 3
Cavan	1	8	12	400	16,420 – –	—	—	—	—
Clare	1	11	12	400	16,870 – –	—	—	—	—
Cork	2	20	28	612	27,156 10 –	–	319	5,602 8 9	5,602 8 9
Donegal	1	8	14	176	8,662 – –	–	127	2,011 4 3	2,011 4 3
Down	1	7	9	224	9,868 – –	–	51	850 14 5½	850 14 5½
Dublin	1	5	7	231	9,701 17 6	—	—	—	—
Fermanagh	1	6	8	181	8,127 12 6	—	—	—	—
Galway	2	15	24	704	29,278 – –	—	—	—	—
Kerry	1	7	9	168	7,901 – –	–	59	1,036 3 9	1,036 3 9
Kildare	1	6	8	250	10,551 5	—	—	—	—
Kilkenny	1	9	12	410	16,931 5 –	–	26	456 12 6	456 12 6
King's	1	7	9	319	13,204 17 6	–	72	1,428 8 4	1,428 8 4
Leitrim	1	6	10	311	12,833 17 6	—	—	—	—
Limerick	1	10	18	387	16,703 7 6	–	254	4,460 17 6	4,460 17 6
Londonderry	1	4	6	96	4,682 – –	—	—	—	—
Longford	1	5	7	191	8,248 17 6	—	—	—	—
Louth	1	5	8	224	9,448 – –	–	35	562 3 8	562 3 8
Mayo	1	9	14	274	12,294 5 –	–	35	623 9 4½	623 9 4½
Meath	1	8	11	324	13,650 10 –	–	91	1,598 3 9	1,598 3 9
Monaghan	1	5	7	145	6,633 2 6	–	70	1,260 15 3	1,260 15 3
Queen's	1	8	12	356	14,922 10 –	—	—	—	—
Roscommon	1	8	12	447	18,070 17 6	–	49	860 11 3	860 11 3
Sligo	1	6	9	191	8,548 17 6	—	—	—	—
Tipperary	2	20	24	1,030	41,523 15 –	1	89	1,598 1 3	1,598 1 3
Tyrone	1	6	8	150	7,008 15 –	–	20	351 5 –	351 5 –
Waterford	1	6	8	149	7,051 12 6	–	100	1,756 5 –	1,756 5 –
Westmeath	1	8	11	282	12,205 5 –	–	3	39 10 3¾	39 10 3¾
Wexford	1	8	10	240	7,060 – –	—	—	—	—
Wicklow	1	6	8	190	8,807 17 6	–	20	351 5 –	351 5 –
Cities and Towns:									
Carrickfergus	–	–	1	10	421 5 –	—	—	—	—
Cork	–	1	3	100	3,882 10 –	–	10	175 12 6	175 12 6
Drogheda	–	1	2	40	1,705 – –	—	—	—	—
Galway	–	1	2	65	2,583 2 6	—	—	—	—
Kilkenny	–	1	2	50	2,056 5 –	—	—	—	—
Limerick	–	1	3	80	3,180 – –	—	—	—	—
Waterford	–	1	2	70	2,758 15 –	—	—	—	—
	35	262	375	10,006	424,780 15 –	1	1,517	26,634 16 9	26,634 16 9
								£. 53,269. 13. 6.	

Note.—The amounts here given in the money columns are calculated according to the average rate, carefully struck, and adopted in the fourth section of the Act above quoted.
This return of Extra Force does not include Special Station, under the Crime and Outrage Act.

D. M'Gregor, I. G.

Appendix J.

RETURN, showing the Movement of Detachments of the Constabulary Force from one County to another, during the Year 1852; either (1.) as precautionary Measures at Elections; (2.) on account of the disturbed state of Localities; or, (3.) for the Preservation of the Peace on special occasions of apprehended Disturbance.

Note (*a*). This Return does not include men of the Reserve Force sent from Dublin into counties.
(*b*). It does not include convict escorts from the several counties to Dublin, &c., which are numerous.
(*c*). At the General Election, the movement of the Constabulary from one county to another, to any great extent, was rendered impossible, by the circumstance that the days of election in many counties happened to be the same, or nearly so.

COUNTIES to which sent.	DATE.	Number of Men sent.	From what COUNTY.	REMARKS.
Carlow	July 4	32	Kildare.	In some instances, the Inspectors of counties were authorized to call upon the Inspectors of adjoining counties for such aid as might be necessary. The number of men moved under such circumstances is not here included.
	„ 4	36	Queen's.	
	„ 4	36	Kilkenny.	
	„ 6	104	Kildare.	
	„ 6	53	Queen's.	
	„ 6	52	Kilkenny.	
	„ 16	62	Wicklow.	
	„ 20	25	Queen's.	
Clare	July 10	5	Tipperary.	
	„ 16	133	Limerick.	
	„ 20	102	Galway.	
	„ 29	102	Limerick.	
	August 6	4	- ditto.	
Donegal	July -	41	Derry.	
Dublin	July 14	100	Louth.	
Cork	July 17	22	Kerry	These men were under orders, but countermanded; contest declined.
		13		
Fermanagh	July 3	26	Leitrim.	
		26	Tyrone.	
Galway	July 22	102	Roscommon.	
		13	Clare.	
Kildare	March 8	52	Dublin.	
	„ 8	31	Carlow.	
	„ 8	67	Queen's.	
	„ 8	67	King's.	
	„ 8	67	Kilkenny.	
	„ 8	67	Meath.	
	July 14	75	Louth.	
Kilkenny	July 20	102	Queen's.	
King's	July 20	30	Queen's.	
Leitrim	June 24	5	Roscommon.	
	July 21	124	Cavan.	
	„ 22	41	Roscommon.	
Londonderry	July -	all men available	Antrim	Number not stated.
Longford	July 16	61	Roscommon.	
Monaghan	July 16	51	Fermanagh.	
Roscommon	July 9	43	Westmeath.	
Sligo	July 6	62	Mayo.	
	„ 6	42	Leitrim.	
	„ 16	61	Roscommon.	
	„ 22	13	- ditto.	
Tipperary	July 16	255	Limerick.	
Tyrone	July -	all available	Antrim	Number not defined.
Waterford	July 25	107	Cork.	
Wexford	June 14	15	Kilkenny.	
	July 16	41	Wicklow.	
	„ 20	71	Queen's.	

D. M'Gregor, I. G.

Appendix K.

Appendix K.

COPIES of Papers relative to the Combination of the Coast Guard with the Revenue Police in Ireland.

Honourable Sirs, 5 November 1834.

Being only very slightly and imperfectly acquainted with that part of the question which relates to the illicit distillery in Ireland, it is unnecessary for me to trouble the Board with any detailed observations on this subject.

It appears to be generally agreed that the revenue police has failed in materially checking this practice; and its failure is attributed partly to inherent defects in its original organization, and also to a want of due co-operation with other branches of the Excise Department, as well as to a refusal on the part of the military and constabulary to assist when called on to do so.

(With respect to the coast guard, I cannot find any application has ever been made by the Board of Excise for assistance from this department in the suppression of illegal distilleries.)

To remedy this inconvenience, and to secure the co-operation of every branch of the public service, the Commissioners propose, amongst other measures, what they call a combination (but what, in point of fact, can only be considered a consolidation) of the whole of the revenue force in Ireland, under one officer specially appointed for this purpose; and this, therefore, is the question which I am called on to consider.

I apprehend that one great object which has been kept constantly in view, during the successive alterations and improvements which have taken place in the revenue departments, has been to define and distinguish their respective duties and functions; and that, agreeably to the existing system, the Customs is now solely responsible for the prevention of foreign contraband, and for the guard of the coasts and harbours, while the Excise attends exclusively to those fraudulent transactions in the interior of the kingdom, by which the revenue arising from internal taxation may suffer injury.

To effect the former object, that part of the force under the direction of the Board of Customs which is now called the Coast Guard, has been re-organized and rendered completely naval, and is distributed along the coast in such a manner as to keep up a perpetual check, both by day and night, on any attempt to land contraband goods; and its whole attention being directed to this special service, and the force itself, from the necessity of observing all practicable economy, being kept at the lowest possible scale of numbers, it is unnecessary for me to point out, that if any additional duty is imposed on it, tending either to increase the hardships and fatigues to which the men are now unavoidably subjected, or to draw it to any considerable distance from its line of guard, it can no longer be considered responsible for the protection of the Customs Revenue; and it is by no means improbable, that if any such measure as that which the Commissioners recommend were carried into effect, every stratagem would be resorted to to draw the coast guard from the coast in search of illegal distilleries, when a landing of contraband goods was in contemplation. It is also worthy of serious consideration, that, adverting to the present state of Ireland, and the unfortunate disposition to resistance too generally prevalent in that country, expeditions into the remote districts, in which the illegal distillery is principally carried on, assume almost entirely a military character, and to ensure their success (and indeed the safety of the party), should be conducted with those arrangements and precautions which military experience alone can dictate.

To employ naval officers and seamen on a service of this description appears to me highly imprudent and inexpedient, and would in all probability be followed by failure and disgrace.

Considering the coast guard as an essentially naval, and the Excise police a purely military force, so novel an experiment as that of consolidating two such distinct establishments for the general purposes of both revenues under the command of one officer is not in my opinion likely to be followed by any satisfactory result. The Commissioners do not explain whether the officer in question is to be under the control of one or both the revenue departments, or entirely independent of either; and I can, therefore, only observe, that if the coast guard should be in any degree withdrawn from the authority of the Board of Customs, all the expensive boarding establishments at the different out-ports, which have within the last few years been gradually abolished and consolidated, must be replaced, or the department can no longer be considered responsible for the protection of its own revenue in that part of the United Kingdom.

If I might be permitted to offer any suggestion on this subject, it would be, that the force called the Excise Police in Ireland, should be completely re-organized, and placed under the command of an experienced military officer of rank, in the same manner that the constabulary has been, and that every branch of the public service, civil as well as military, be most strictly enjoined to co-operate heartily and cordially with it on all occasions; I have no doubt that, under such an arrangement, the coast guard might often, without interfering with their own peculiar duty, render important assistance, especially amongst the islands on the west coast, where much illegal distillery exists; and, certainly, no apprehension of unpopularity should be permitted to influence their actions, or induce them to withhold that cordial co-operation which it is the bounden duty of every branch of the public service to afford in support of the law.

It appears to me that, by this arrangement, all the objects which the Commissioners have in view might be attained without incurring the risk of endangering one important branch of the revenue, by too hasty an attempt to secure another from injury; and the Boards of Customs and Excise might then concert such plans of mutual co-operation as circumstances would naturally suggest.

(signed) Wm. Bowles.

Copy of Treasury Minute, dated 12th December 1834.

My Lords have again before them the Report of the Commissioners of Excise Inquiry upon the subject of the arrangements suggested by them for checking illicit distillation in Ireland.

My Lords read at the same time, the Report of the Commissioners of Customs, and the letter of Mr. Littleton, as Chief Secretary for Ireland, upon this subject. In the letter of Mr. Littleton were transmitted, for the information of my Lords, the Report of the Inspector of the Constabulary Police upon the various suggestions and recommendations of the Commissioners of Excise Inquiry.

Before my Lords give any final directions upon this matter, which is one of considerable importance, it appears to their Lordships to be necessary that some further information should be procured from the Irish Government, and from the Revenue Boards of Customs and Excise.

Write therefore to Sir W. Gosset, and, referring him to the Report of Major Miller, copy of which my Lords received in the letter of Mr. Littleton, of the 11th November, desire he will move the Lords Justices to give directions to Major Miller to state, for the information of my Lords, in full detail in what manner he would recommend that the revenue police should be rendered efficient, trained, paid and superintended by an officer of the constabulary, so as to receive the most effectual co-operation of the revenue and constabulary forces where their combined operation may be required.

Request at the same time, that directions may be given for furnishing to my Lords a statement of the number and pay of the officers and men of the constabulary at the several stations, and in the several districts in which they are employed.

Write also to the Commissioners of Customs and Excise, and desire they will communicate with each other, with a view of forming, if possible, for the consideration of my Lords, some arrangement by which the co-operation of the two forces, under their respective management, may be provided for in the particular localities, and on the particular occasions on which such co-operation may be practicable, without diverting either from the prosecution of its peculiar duties.

Desire them at the same time to transmit to my Lords, a statement of the numbers and pay of the officers and men of the coast guard, and of the revenue police at the several stations, and in the several districts in which they are employed.

Give directions also to the Commissioners of Excise to transmit the like statement with respect to the supervisors and all other officers of Excise employed in Ireland.

May it please your Lordships,

Mr. Baring having, by his letter of the 16th ultimo, signified that he was commanded by your Lordships to transmit to us the annexed extract from the second part of the proposed Report of the Commissioners of Excise Inquiry, which relates to the revenue police in Ireland, and to call our attention to that part thereof which recommends the combination of the coast guard with the revenue police, and to desire that we would report to your Lordships our opinion on the proposal; and Mr. Baring having, by his subsequent letter of 30th following, also transmitted to us the annexed copy of the Seventh Report of the Commissioners of Excise Inquiry, and signified that he was directed by your Lordships to call our

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attention to the evidence of Mr. Dombrain, in the Appendix to the said Report, No. 142, being that referred to by the Commissioners of Inquiry:

In obedience to your Lordships' commands, we report,—

That we have communicated with the Controller-general of the Coast Guard, upon the recommendation of the said Commissioners; viz., for a combination or consolidation of the coast guard with the revenue police in Ireland; and we beg leave to transmit herewith, for your Lordships' consideration, a copy of the Report which we have received from the Controller-general on that suggestion, and at the same time to express our entire concurrence in the observations therein contained.

It is almost unnecessary to remind your Lordships that the primary object for which the coast guard force was established was the suppression of smuggling upon the coasts of Ireland; that the character of this force is essentially naval, and to employ such a force so constituted in the interior of the country, for the purpose of rendering assistance to the revenue police in putting down illicit distillation, would be to divert the attention of the officers and men from their own particular line of duty, and thus enable the smuggler the more readily to effect a landing of his goods without interruption and with impunity.

That upon an attentive perusal of the evidence of Mr. Dombrain, in the Appendix to the Seventh Report, transmitted to us in Mr. Baring's letter, it seems to us that Mr. Dombrain, in expressing his opinion "that a combination of the two authorities would be the most effectual way of preventing illicit distillation," merely intended that the two forces should co-operate with each other in certain parts along the coasts, and in some of the islands where illicit distillation is carried on to a great extent; and, whenever the co-operation of the coast guard force with the revenue police could be availed of, for the detection and suppression of illicit distillation in such parts of the islands or other places in the immediate vicinity of the coasts of Ireland, we would not fail to give such directions as might best promote the object which the Commissioners of Excise Inquiry have in view, so far as the same could be done without impairing the efficiency of the coast guard service; and, with that view, it might be desirable to augment the coast guard force in those particular districts; and should it be your Lordship's pleasure to entertain the suggestion of the Commissioners of Excise Inquiry to this extent, we would, with your sanction, communicate with the Excise for the purpose of arranging some plan by which such co-operation could be most effectually attained; but should Mr. Dombrain, in submitting his opinion on this matter, have intended to recommend a combination of the two forces throughout the interior of the country as well as on the coast, and to be placed under the direction and control of one officer, separate and distinct from the authority and superintendence of this Board and of the Controller-general, we entirely dissent from such an opinion, and feel assured that whatever beneficial results might be anticipated in checking illicit distillation, they could only be accomplished by the sacrifice of the more important object for which the coast guard force has been established, inasmuch as during the time that the coast guard might be employed in co-operation with the revenue police for the purpose of putting down illicit distillation in the interior, the coast must be left exposed, and smuggling must revive and be carried on with the same success as it was previously to the formation of the present force; independent of this, the men composing the coast guard force, as before observed, are naval, and unaccustomed to, as well as not equipped for, the duties required of the revenue police; and were the coast guard force even occasionally diverted from their present very arduous duties to be marched from their stations, possibly at a moment's notice, into the interior, the fatigue attendant upon such a service would not only wholly incapacitate them from further exertion, but they would be constantly exposed to the devices of the smugglers, who would use every stratagem to draw them from their stations under false pretences of assisting the revenue police, for the purpose of enabling them to carry on their own designs without interruption.

Upon these grounds we have to submit our decided opinion that any combination of the coast guard force and revenue police, so as to effect the purposes proposed by the Commissioners of Excise Inquiry, would be inexpedient.

(signed) B. B. Dean.
D. M. Binning.
F. Richmond.
J. G. Lushington.

Custom House, 27 November 1834.

Appendix L.

COPIES of Papers relating to the proposed Re-organization of the Revenue Police in Ireland.

Appendix L.

Letter from the Right honourable E. J. Littleton, dated the 11th November 1834, to the Honourable J. Stewart, relative to the Employment of Constabulary Force in Ireland in suppressing Illicit Distillation - - - - - - - - - - - - - - - - - - p. 347

With Four Enclosures; viz.

Letter from Sir John Harvey to the Right honourable E. J. Littleton, dated 20 October 1834, p. 348

Report from Sir F. Stoven, dated 21 October 1834 - - - - - - - - - p. 349

Letter from Major Miller to the Right honourable E. J. Littleton, dated 21 October 1834 - p. 349

Letter from Major Warburton to the Right honourable E J. Littleton, dated 4 November 1834, p. 350

Letter from Sir H. Hardinge to the Honourable J. Stewart, dated 24 January 1835, with detailed Statement from Inspector-general of Police in Munster, for rendering the Revenue Police more efficient - p. 351

With one Enclosure; viz.

Letter from Major Miller to Lieut.-Colonel Sir William Gosset, dated 13 January 1835 - p. 352

LETTER from the Right honourable E. J. Littleton to the Honourable J. Stewart, relative to the Employment of Constabulary Force in Ireland in suppressing Illicit Distillation.

Sir, Dublin Castle, 11 November 1834.

I have had the honour to receive, and submit to the Lord Lieutenant, your letter of the 16th ultimo, calling the attention of his Excellency to that part of the Report of the Commissioners of Excise Inquiry, which recommends that the Constabulary Force should be employed in the suppression of illicit distillation, and requesting his Excellency's opinion thereon.

His Excellency being desirous of obtaining the observations of the Inspectors-general of Police upon the point referred to, and such suggestions as they might have to offer upon the best mode of rendering the revenue police more effective in checking the great and growing evil of illicit distillation, and the unlicensed sale of spirits, called upon each of those officers for a Report, copies of which are herewith transmitted.

Illicit distillation, and the unlicensed sale of whiskey in this country, have increased to an extent so prejudicial to the revenue, so destructive of the morals of the people, and consequently of the peace of the country, that it is evident the present system pursued for their suppression is totally inefficient.

It is the opinion of Major Miller and Sir Frederick Stoven, that the revenue police could be placed with great advantage under the Inspectors-general of police. By being under the same heads as the constabulary of the country, more effectual support, and less objectionable assistance could be afforded by the latter body, and a considerable advantage would be secured by the general information which could be obtained through the constabulary spread over the whole country.

Sir John Harvey is disposed to recommend that the revenue police should be placed under the same head as the coast guard, and combined with it.

Major Warburton thinks that it would be preferable to have a number of persons, equal to the present revenue police, distributed as assistants to the officers of the revenue, and spread over the face of the country, their exertions being stimulated by rewards, &c. He is, however, of opinion, that if it should be deemed expedient to join that force to any other department, the coast guard would be the most proper.

Upon a full consideration of the subject, the Lord Lieutenant is disposed to recommend that the revenue police should be placed under the same head as the coast guard, and incorporated with that force.

This combined force, under an able and active Inspector, attending jointly to the services now performed separately by those two bodies, would, it is conceived, be a most important improvement, and that which appears, under the circumstances, most advantageous. In order to give the revenue force the means of acting independently of the police of the country, and with promptitude, it is desirable that they should be sworn-in constables, or at least a portion of them, as the presence of a constable is sometimes necessary to legalize their proceedings.

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With regard to the degree of assistance and co-operation which it may be advisable for the constabulary to afford to the revenue force, his Excellency directs me to observe that, with the most anxious desire of granting every assistance in suppressing the evil in question, he conceives that it would be prejudicial to the efficiency of the constabulary if they were to take an active part in the revenue matters; and that they should only be called upon to support revenue officers when the necessity is pressing; in the same manner that the revenue force should afford its support to the constabulary in cases of great emergency. In either case the co-operation must be made subservient to their own peculiar and paramount duties.

It is therefore not possible to point out the exact degree of assistance which shall be afforded, but his Excellency will direct the Inspectors-general of constabulary to give such information, connected with frauds on the revenue, as they may be able to collect from their officers; and all members of the constabulary will be enjoined to give the officers of the revenue every possible aid which their own duties will permit.

I have, &c.

(signed) E. J. Littleton.

P. S.—It has been found impossible to copy all the enclosures in time for this night's post.—Sir Frederick Stoven's and Sir John Harvey's Reports will be forwarded by to-morrow's mail.

Letter from Sir John Harvey to the Right honourable E. J. Littleton.

Sir, Dublin, 20 October 1834.

I have carefully perused the documents which accompanied Mr. Stewart's letter to you of the 16th instant, and more particularly the recommendation contained in the concluding paragraph of that Report. There are two other documents which I should have been glad to have seen previously to giving the opinion upon the question of the best means of suppressing illicit distillation in Ireland.

These are, 1st, the Minutes of Captain Dombrain's examination (in order to possess myself, through that gentleman's experience, of the actual quality and composition of the revenue police, a force with which I am little acquainted, but of the efficiency of which my impressions are not favourable, and of the real causes of its failure in effecting the object for which it was formed); and, 2d. Some explanation of the causes which prevented a repetition of the successful experiment which appears to have been made of the combination of the constabulary with the revenue police in Ennishaven in the years 1823, 1824 and 1825.

In the absence, however, of the documentary information referred to, I will assume that Captain Dombrain expresses an opinion unfavourable to the present composition of the revenue police, and that the prohibition to the constabulary from further active co-operation in excise matters, originated in the idea so constantly set forth, that it would tend to render them unpopular. I apply myself at once to this objection, by saying, that while I admit that it might and perhaps would have this effect, I am nevertheless of the opinion, that that consideration ought not to be suffered to deprive the Government of the only means by which a great national object (if such it be deemed) can be effectually attained. Formed for the purpose of controlling the excesses of the people by the enforcement of the laws, the constabulary police must, ought to be unpopular with those whose object it is to violate the laws with impunity, and their unpopularity with that class of society will be ever in proportion to their efficiency.

But, in another and perhaps more important view of the subject, I am by no means so certain of the policy of mixing up the constabulary police too closely in the suppression of illicit distillation: I allude to the chance of thereby dissevering that body from the confidence and support which they have hitherto experienced from the magistracy. But as these are questions rather for the consideration of the Government and its responsible advisers than of its executive servants, I proceed to express my opinion upon the concluding recommendations of the Report, and I do so by stating my entire concurrence in the wisdom of the measure recommended, and my conviction that by the modification here proposed, viz.:—"the combination or amalgamation of the coast guard and the revenue police under one officer, assisted by subordinate officers (properly selected), and having the constabulary police to support and co-operate with them," as much will have been done for the improvement of the system as it would perhaps be practicable to effect or safe to attempt in the first instance, and in the face of prejudices which are known to prevail among some of the Irish landlords against the constabulary being suffered to interfere in the execution of the revenue and excise laws.

My own impressions may be, that ultimately, and not remotely, the execution not only of the revenue and excise, in addition to the criminal, but of all other laws must devolve solely on the constabulary force, but it does not appear necessary to precipitate that state of things.

If the recommendation of the Report for the prohibition against the constabulary's assisting the revenue police be complied with (as I confess I think it ought), the composition of that force (the revenue police) will then become an object of much importance to the constabulary. The revenue officer in each rural district, under whatever denomination, with whom the constabulary officer will have to act, should be a person of character and respectability.

The

The constabulary officer should in no case be placed under the direction of any gauger or other inferior excise officer, but should attend with his force to support the revenue officer, and the performance of such duties should obviously be made subservient to such constabulary duties as may have been ordered by the magistrates in petty sessions, and as ought fairly and reasonably to take the precedence of excise duties; a comparative scale should be drawn up to prevent confusion or disagreement betwixt the two services, and consequent inconvenience and injury to both.

I have, &c.
(signed) J. Harvey, I. G.

Report from Sir F. Stoven.

Dublin, 21 October 1834.

Having read, in obedience to the Lord Lieutenant's commands, the Report of the Commissioners of Excise Inquiry, and considered the suggestions at the close of it, it appears,—

1st. That the Revenue Police are totally incompetent to effect the object of their formation; that their composition is of a very low description; and, from personal observation, it is clear that they are without any responsible head, and consequently without vigour, discipline or subordination; and, therefore, that placing under the control and guidance of the Inspector-general of Coast Guard, as recommended in Report No. 2, would render them infinitely more efficient than under the present system.

2d. It appears most reasonable that the constabulary should at all times give ready co-operation towards the enforcement of revenue laws, as well as laws of every other description, as required in the Report, No. 3.

But there are two other modes of re-organizing the force which present themselves:—

1st. Incorporating them with the constabulary, or, in other words, by increasing the constabulary and applying it indiscriminately, under its present officers, to the prevention of illicit distillation, together with the execution of its present duties. This would probably be the most effectual, and certainly be the most economical arrangement.

Difficulties, however, would occur in the working of such a system; magistrates would be inimical to it, as, in districts where this infraction of the law exists, great part of the rents are paid by a connivance at it. The officers of Excise, if so disposed, might nearly control the operations of the forces, and the distance and time expended in the discovery of private stills would frequently divert the constabulary from the other important and equally legitimate duties.

2d. By the revenue police being placed under the immediate control of the Inspector-general of Constabulary as a separate and distinct corps, for the sole purpose of organization and discipline, retaining their present dress and mode of payment; their duties to be performed under their own officers, always with reference to the orders of the chief inspectors, and the Board of Excise giving instructions to all their officers, supervisors and riders, &c. &c., to aid and assist by information or otherwise in the discovery of illicit stills, a duty which the report remarks is not at present performed by those branches of their establishment.

Should this proposal be entertained, the details of regulation, the selection and appointment of both officers and men should be under the control of his Excellency the Lord Lieutenant.

(signed) Frederick Stoven.

Letter from Major Miller to the Right honourable E. J. Littleton.

Sir, Dublin, 21 October 1834.

In obedience to the commands of the Lord Lieutenant, I have given my best attention to the Report of the Commissioners of Revenue Inquiry as to the means whereby illicit distillation may be more effectually suppressed, in so far as the co-operation of the constabulary for that purpose, and the improvement of the revenue police, are concerned.

The portions of the latter body, which have been occasionally employed in the Munster district, have not fallen much under my observation; what I have seen of them impresses me with the belief that in point of composition and discipline they are very inferior to the constabulary, and the evidence taken by the Commissioners seems conclusive as to their general inefficiency.

To remedy the defects of the existing system, the Commissioners suggest, among other expedients, that the Customs and Revenue Boards be instructed to take measures in concert for effecting a combination of the coast guard and revenue police, so that the combined force may act for the general purpose of revenue under the immediate authority of an officer specially appointed to command the revenue police.

If the object which the Commissioners have in view by this proposition be to place these two bodies under the control and direction of the same individual, I should be disposed to question the policy of such a measure. In certain localities, bordering on the sea, the services of the revenue police indeed must fail without the aid of the coast guard and their boats; the cordial co-operation of these two establishments, therefore, seems essential to the successful enforcing of the revenue laws; but the ordinary duties of the two services are quite distinct, the coast guards, although stationed on shore are much afloat, and should therefore

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therefore be under the direction of seafaring officers; the other force is framed on a military model, and is most likely to be kept in a state of vigorous efficiency by a man of military habits.

It has been suggested, with this view, that this body might be advantageously placed under the authority of the Inspectors-general of Police, each of whom should be charged with the entire superintendence of such portions of it as might be serving within the limits of his jurisdiction; and this arrangement, it has been remarked, would be peculiarly convenient and beneficial if the Government were to decide upon employing the constabulary, conjointly with the revenue police, in the suppression of illegal stills, as, in that event, the two forces might be so amalgamated as to form an integral establishment, the maintenance of which, by contributions from the Treasury, might be so regulated as, to relieve the counties from any increase of expense created by the addition which might thereby be made to the numerical amount of their police force.

To such an incorporation, I think, there are solid objections: the duties of the constabulary are complicated and multifarious; they have relation to the detection of crime, to the arrest of offenders, and to the enforcing of the laws in numberless ways, under the authority of the local magistrates, to whom the constables are amenable, and whose warrants, orders and commands they are bound to execute and obey. The duties of the revenue police are simple and defined, they are solely directed to the suppression of illicit distillation, and they are performed without the intervention of the civil authorities. This peculiarity should essentially contribute to the efficiency of these agents of the revenue, who, if they were to be blended with the constabulary, would necessarily incur the obligations and liabilities of the latter, and become subject to the authority of the magistracy. On such grounds, I would view the amalgamation of the two forces as a most inexpedient measure, although I would augur the best consequences from any arrangement by which the organization, control and direction of the revenue police should be vested in the hands of the Inspectors-general of constabulary.

It seems generally to be admitted that the suppression of illegal stills can never be effected without a more active co-operation on the part of the constabulary than has been hitherto granted. If the parties of revenue police be rendered truly efficient, and be placed under the direction of the Inspectors-general, subsidiary assistance may be afforded by the constabulary in a most effectual and unobjectionable manner; this aid should be furnished in the shape of supports, as often as any operations likely to provoke serious resistance should be undertaken by the revenue police. It would be afforded under the instructions of the Inspectors-general, and with a cordiality and harmony between the two services not to be expected, except from officers and men owing obedience to and under the authority of the same superior; nor is it unworthy of remark, that the local knowledge possessed by the Inspector-general, and the information derivable from his peculiar sources of intelligence, would probably enable him to apply the services of the revenue police, thus aided, with the best effect.

It would be premature to enter at present into further details. I have already turned in my thoughts, however, the working of such a system, and I persuade myself that an efficient revenue police, trained, paid and superintended by an officer of constabulary in each province, at a trifling additional expense, may readily be kept on foot, leaving the commander of each party no other duties to perform than to maintain the discipline of his men, and to direct their efforts to the detection of illegal stills, and relieving the public from the charges connected with the present superintendence and payment of these establishments, which appear by the report of the Commissioners to amount to a considerable sum.

The changes I propose may be carried into effect without any alteration in the law; and if the Government should be disposed, as an experiment, to make trial of such a system, I undertake to get ready, in three months, from the notification given to me, a police party with which to put it in practice.

I have, &c.
(signed) W. Miller.

Letter from Major Warburton to the Right honourable E. J. Littleton.

Sir, Dublin, 4 November 1834.

I have the honour to return the Third Report of the Revenue Police Inquiry, and I beg to submit a few observations which have occurred to me, on a careful consideration of the subject, which is certainly of considerable importance, not only as regards the revenue, but as it affects the peace and good order of this part of the kingdom.

It appears to me that the suppression of the use of illicit spirits is much more important than detecting its manufacture. Detection is, I believe, of no value as an equivalent to the revenue for any portion of loss it sustains by illicit distillation. Therefore the only advantage to be expected from detection is, as far as it may tend to the suppression of the evil, at the same time it should not be neglected, though not made a chief object. I consider that the revenue police are ill calculated to suppress illicit distillation; and that, as far as the revenue is concerned, the expense they entail on that establishment might be fairly added to the loss the revenue sustains from illicit traffic, as it is perfectly evident they have not, in any district, put a stop to the system. Acting as a force ill-disciplined, and under little control, they are dangerous and inefficient. If they are to be continued as a force, I should say that the coast guard, being a revenue establishment, would be best suited to co-operate with

with them. I am sure, from the excellent discipline and arrangement of that establishment, much would be done towards rendering the force respectable and efficient; but I fear, in order to be really effective, they should be too great in point of number and expense to be employed in the country as a military body, for an exclusive purpose. The constabulary are so much dispersed, and have so few men at each station, that they cannot consistently with their other duties give any aid which would be of much value.

I am surprised that the Inspectors-general of police were not examined by the Commissioners, they could fully have explained the nature of the constabulary arrangements. I feel that it is the duty of all those in the employment of Government to give every aid in their power to advance the views of Government, and consequently the constabulary should assist to suppress illicit distillation; but then the consideration arises how far they could do so consistently with paramount duties; and I am satisfied that an undefined and uncertain direction of their assistance would effect little good in the one case, and tend to weaken their exertions in the discharge of their more legitimate duties in the other. I entirely concur in the opinion expressed by some of the witnesses, that unless the gentlemen of the country are induced, by some means, to give effectual aid to suppress this evil, no force can succeed. In this and in all other cases of this description, the object should be to prevent demands; and whilst it is consumed in the houses of the country gentlemen, by the military, and I fear I must add by the police, the peasantry are confirmed, if not countenanced, in a practice already affording but too many inducements, from the low prices of grain; and in many places, from the difficulty of finding a market for their produce, owing to the want of roads, to which may be added their partiality for this article, which ensures a ready sale for their corn.

I think lowering the duty on spirits was a well-advised measure, but it must be followed up by some other enactments to give it full effect. I remember perfectly well the effect of townland fines; I believe that nothing was ever thought of so well calculated to put an end to this baneful traffic. It at once created such a host of persons interested in its suppression, that it had actually attained its object, when it was unfortunately deemed advisable to repeal the Act. I should be inclined to think that if there were a certain number of assistants added to every commissioned revenue officer, whose duty it should be to watch and to prevent the consumption of illicit spirits, much more success would attend their efforts, instead of devoting their whole attention to the seizing stills and creating excitement, often terminating in scenes of violence and bloodshed. I would recommend that the duty of these persons should be more immediately directed to the suppression of the use of spirits, by means of small fines on its detection, summarily recoverable by the officers before the magistrates of petty sessions, giving, as an encouragement, certain proportions of such fines to the parties discovering the offence; having small fines on townlands also, recoverable at the assizes in the usual way, for offences of greater magnitude and the detection of stills on townlands.

If a number of persons equal to that of the present revenue police were distributed as assistants to all the commissioned officers of the revenue, and that all those parties spread over every part of the country, stimulated by immediate reward for exertion by receiving a proportion of the fines on detection, superintended and controlled by inspectors of districts, and obliged to keep diaries to show how they have been employed, those parties to be protected by the constabulary and coast guard, in the event of protection being necessary; it would, in my humble judgment, do more to put an end to this prevailing practice than any other mode I have yet seen tried. This arrangement would at once apply to every locality, and prevent the possibility of any district being left free to pursue this traffic with impunity. I merely suggest this arrangement; the details would require a much more extended statement.

Upon the whole, I do not think that it would tend much to suppress illicit distillation to employ the constabulary as assistants to the revenue police, as at present constituted; and I am quite sure it would materially injure their efficiency in their more important duties. It has often occurred to me, that if a proclamation were issued, calling on all persons in the employment of Government, civil and military, all magistrates and loyal citizens, to abstain from the use of and assist in the suppression of illicit spirits, it would, at all events, prevent the public and general consumption of them which now prevails, and is often made the subject of jest and merriment, and would prove to the people that there was a determination to make a general effort to rid the country of an evil which every rational man considers to be vitally injurious to the morals and peace of society.

I have, &c.
(signed) GEORGE WARBURTON, I. G.

LETTER from Sir H. HARDINGE to the Honourable J. STEWART, with detailed Statement from Inspector-general of Police in Munster, for rendering the Revenue Police more efficient.

Sir, Dublin Castle, 24 January 1835.

ACCORDING to the desire of the Lords of the Treasury, communicated to the Irish Government by your letter of the 17th of December, reference was made to Major Miller, the Inspector-general of police for Munster, requiring from him a detailed statement of the

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means he would recommend for rendering the revenue police more efficient, according to a plan suggested in his letter of the 21st of October last.

In transmitting that officer's explanation of the measures by which that end can, in his opinion, be best obtained, I am directed by the Lord Lieutenant to state that upon a full consideration of the different bearings of the question, his Excellency's opinion is in accordance with that of the late Irish Government, that the constabulary force should be kept quite distinct from the revenue police. This, his Excellency conceives, may be effected, although the revenue police may be placed, according to Major Miller's recommendation, under the management of the Inspectors-general of the Provinces, embracing all the arrangements connected with the recruiting, training and disciplining of that force.

Although his Excellency entertains no doubt that the proposed alteration in the establishment of the revenue police will be a very considerable improvement, yet he feels disposed to recommend its adoption in the first instance as a trial in Major Miller's district, which former comprises the counties of Waterford, Cork, Tipperary, Kerry and Limerick.

With regard to the clothing of the revenue police being assimilated to that of the constabulary, his Excellency is of opinion that it should not be done. The latter is green, and the blue, which colour, it is recommended, should be continued for that force.

I herewith transmit the statement, called for by the Lords of the Treasury, of the number and pay of the officers and men of the constabulary at the several stations, and in the several districts in which they are employed.

I have, &c.
(signed) H. Hardinge.

Letter from Major Miller to Lieut.-Colonel Sir William Gosset.

Sir, Cork, 13 January 1835.

You conveyed to me on the 22d ultimo the orders of Government to furnish, for the information of the Lords Commissioners of the Treasury, a detailed statement of the means whereby the proposition contained in my letter to the Chief Secretary, of the 21st of October, of placing the Revenue Police under the control of the Inspectors-general of Constabulary, can be effected; but my attendance at the protracted inquest at Rathcormac, and the increased pressure of official business, occasioned by arrangements connected with the general election, have prevented me from giving an earlier attention to the subject.

The aim of my proposition is two-fold; it has in view the reformation of the Revenue Police, and the successful application of the services of this body and of the constabulary to the suppression of illicit distillation.

In my previous Report of the 21st of October, I have endeavoured to show that for such purposes both establishments should be under the same management and direction; I have suggested a ground of objection against their complete amalgamation, but a perfect assimilation may take place between them, although they remain distinct; and the effective state of the constabulary affords a reasonable presumption that the revenue police must improve if brought under the same system of interior economy, embracing all the arrangements connected with the recruiting, training, discipline and financial concerns of the force.

In the Munster district, the constabulary recruits are trained at a provincial depôt, established at Ballincollig. No policeman enters upon the discharge of his functions until he has undergone a course of instruction, whereby he is qualified for military service in the ranks, while he is at the same time made acquainted with the powers and duties belonging to the office of constable.

The depôt is subject to my own frequent inspection, and is under the superintendence of the Sub-inspector of the county of Cork, himself an old officer of the army, who resides on the spot.

According to my plan, the whole of the revenue police for Munster should be assembled at this constabulary depôt, reconstructed under my own directions, and then trained in the usual manner. Similar arrangements would doubtless be made by each of my colleagues in the other provinces.

It would be essentially necessary that the Irish Government should be invested with the supreme authority over the revenue police, and that the officers of the force should be named by the Lord Lieutenant. The financial details could be conducted through the agency of one of the constabulary paymasters in each province, the Treasury supplying the necessary funds.

My present idea is, that the establishment should be composed of a number of companies or parties, each consisting of about 30 men, and under the charge of an active intelligent leader; as the future efficiency of the force would chiefly depend upon the ability of these commanders, great care should be taken in their selection. Officers of the army on half-pay would be peculiarly eligible for the situation; but it would be naturally desirable to provide, in the first instance, for such of the members of the present revenue police as may be possessed of the requisite qualifications for filling so responsible an appointment; each leader or commander should have under his orders one sub-officer, chosen from men who have graduated in the ranks, four constables and 26 sub-constables.

A band of 30 men thus composed, aided by supports from the constabulary, in the mode suggested in my former Report, would be equal I think to the discharge of their revenue duties in most parts of the country. In cases where it might appear that infractions of the

the Excise laws were carried on to an unusual extent, and sustained by combinations among the peasantry, it would become necessary, of course, to employ additional means of repression, and two or more of such parties might be united for the purpose.

I assume that the task of constructing the revenue parties would devolve on the provincial Inspector-general of Police; he might improve their efficiency by occasional judicious transfers of men from the ranks of the constabulary, an arrangement by which each revenue party could always be provided with one or two policemen having local knowledge of the country where operations were to be carried on.

The ultimate effect, I think, of the measures which I have ventured to recommend would be, that the constabulary and revenue police, although performing distinct duties, would virtually form but one establishment, linked together by a community of interests and feelings, and, partaking of the same character, clothed in the same uniform, and serving under the same superiors, would constitute an efficient force, available upon every important emergency for the maintenance of the laws and the support of the legal authority of Government.

I have, &c.
(signed) Wm. Miller.

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(EXTRACT from the Minutes of Evidence taken before the Select Committee of The House of Commons in 1842, on the "Spirit Trade (Ireland);"—Sess. Paper, No. 338.

Colonel William Brereton Examined, as follows:

711. *Chairman.*] You are the Chief Inspector of the revenue police in Ireland?—I am.

712. You are aware that a proposition has been made to repeal the malt drawback in Ireland, and that, in consequence of a statement made by certain parties, the repeal has been suspended for a limited period?—I am.

713. It has been stated, that the repeal of the malt drawback will seriously injure the revenue; what is your opinion on that point?—I cannot conceive that the repeal of the malt drawback in Ireland will do so; I do not at all understand why it should do so; there are only three malt distillers, and those upon a very small scale. I believe in Ireland their individual interests might possibly be injured, but the general question of the revenue in Ireland I do not at all conceive would be affected by the repeal of the malt drawback in Ireland; moreover I do not think that there would be a less quantity of malt spirits distilled in Ireland by the licensed distillers if the malt drawback were removed, than has been distilled before. I understand that they universally complain of the onerous restrictions of the malt drawback regulations, and that a great many of those who do now distil from malt, do so without claiming the drawback.

714. Mr. *Campbell.*] To avoid those restrictions?—Yes.

715. *Chairman.*] Then it is your opinion that the repeal of the drawback would rather have the effect of increasing the manufacture of spirits from malt than diminishing it?—Yes; at least I cannot conceive that it will diminish it.

716. As to its effect upon illicit distillation, what opinion have you formed?—The additional temptation, by the withdrawal of the malt drawback, would be so very little, that I do not think it could have any effect upon illicit distillation, either in the way of increasing it, or even having a tendency to increase it.

717. Is it your opinion that the system of allowing drawback for malt affords an opportunity for fraud?—I have always heard that it is very easy of evasion when malt is ground. I am speaking from the information of others, for of course I cannot be supposed to understand it technically; but when malt and raw grain are ground together, I understand that it is almost impossible to discover the difference—I mean malt for the purpose of distilling.

718. Then, according to information which you receive, it is your opinion that allowing a drawback does afford a facility for fraud?—A great facility for fraud.

719. That was the opinion of the Committee that sat in 1831?—Yes.

720. They recommended that in any reduction or repeal of the malt drawback, great precautions should be taken to prevent the revival of illicit distillation?—Since then there have been great additional precautions taken. I knew nothing of Ireland, in reference to the

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revenue laws, until October 1836, when I commenced the command of the revenue police, and reorganized it upon a new and another system; and the system I consider now to be altogether so totally improved and different from what it then was, that I think the revenue police is fully able to cope with, however great, increased efforts to revive illicit distillation.

721. You have had six years' experience in Ireland?—Yes.

722. From that six years of experience it is your opinion that you are able to cope with any increase of illicit distillation which may be supposed to arise from the repeal of the malt drawback?—Yes, wherever the revenue police exist, and upon the system that has been established; and should it show any tendency to increase elsewhere, the extension of the same system, I think, will meet it throughout all Ireland; the Government, of course, will be prepared, under the necessity of the case, when it shall arise, to increase the revenue police and to extend the system, and the doing so will take a very short period; therefore there can be no sort of apprehension, I think, entertained.

723. Have you recently taken any additional precautions?—I have not increased the force, but I have taken increased precautions.

724. Was that in consequence of any information that you received of an increase of illicit distillation?—Simply from what I should call a very insane feeling of certain persons in Ireland as to the increase of illicit distillation. I have received all sorts of wild informations and statements as to illicit distillation existing in the county of Derry and the county of Donegal; there is a gentleman, who will perhaps be examined in this room—I do not know him, I do not even know his name, but he was introduced to me, and he said, "Colonel Brereton, I can assure you that illicit distillation prevails to a most enormous degree in the county of Derry at present; I know at this moment, at least I have had information as to the existence of 500 gallons of illicit spirits in a depôt in the north of Ireland." I was in the outer room there; a pen and ink were upon the table; I said I was very much obliged to him; I knew he was a distiller, and that his interests and mine were in some degree identical—his to avoid competition with illicit distillers, and mine to protect the revenue; and that if he would tell me who was the person who had that depôt, and where it was, from that table I would write, and probably, by return of post, I should receive information of the whole being seized. He told me that he neither knew the name of the person, nor what the town was: so much for the wild information as to the existence of illicit distillation. I must confess that I feel this strongly, because it is in some sort an imputation upon me and my measures, and upon the corps which I have organized.

725. Have you received any information of illicit distillation having been commenced?—Only by those wild vague stories from people who cannot tell me the name or the place.

726. Mr. *O'Connell.*] Nothing that you could trace out?—No; the Chairman of the Board of Excise some time ago received from an honourable Member of the House of Commons a statement that, from such a place to such a place, which is in Ennischowen, in the county of Donegal—I forget now the exact details, for the letter has passed out of my hand—but that, in point of fact, illicit distillation existed to a very alarming degree. It was in the range of a party of revenue police; it therefore implied that the officer of that party ought to have been dismissed by return of post, if it were so proved; however, I ordered a general search of the whole Island, as I may term it, of Ennischowen; it is a peninsula, with a diameter of perhaps 18 miles; I had it traversed by four parties; they searched every house almost where it was possible that the thing could have existed, and not a trace of illicit distillation was discovered upon this information; or rather, I should correct myself, and say that there was a trace, but proving still more strongly that illicit distillation did not then exist; it was an old disused still that was found in a ditch, and that had not been used for a great many years. No names were mentioned then; if there had been, I should, of course, have proceeded to the houses of the persons where those stills, &c. were stated to be used.

727. Sir *G. Clerk.*] When was this representation made?—I cannot state the day upon which the communication was made, but I can state that the very day when I received the information I ordered the search; the search took place in the first fortnight of February last; therefore before the imposition of the shilling duty, of which so much has been said.

728. Have similar representations been made to you in former years, as well as the present?—Constantly; I have a letter in my pocket from a gentleman at Derry; his name is Allen; it is dated the 11th of April 1838, and it is one of seven letters that have been received from him since I took the command of the revenue police; it is addressed to the Lords of the Treasury; upon this I made a general search, and I found that it was greatly exaggerated, if not altogether groundless, because I do not at all mean to say that there are no traces of illicit distillation; all I do say is, that we keep it under so entirely as that it shall not affect the revenue, or even be a municipal question. This is what he says:—"My Lords; We are inundated with illicit whisky; there is nothing in the county of Donegal sold but such whisky. The north and west are all in a blaze, particularly where the poteen is made; and even here in the city of Derry, as every day the town is full of carriers, selling to all private families. In truth, the trade is not protected; the police were taken from the north last year, and have not been replaced. The Excise must largely suffer by it. Any information your Lordships may require from me will be given, and I pray you will instantly attend to the replacing of the revenue police in the county of Derry. I have not known more illicit whisky made for years than within the last two months." Then, on the opposite side

of

of the page, there is another letter:—"This moment Mr. Cathcart, an Excise officer at ———— distillery, eight miles from Derry, county of Donegal, has stated that eight horses, with 20 loads of whisky, each two loads, passed him at one time a few days ago; that there is no police within a great distance, and that he understands that illicit whisky is made all about the county; but, my Lords, there is no prevention to its being made in the whole of the county of Donegal." And that is dated the same date, the 11th of April.

729. That letter appears to be addressed to the Lords of the Treasury; was it referred to you by the Treasury, or the Board of Excise?—It was referred to the Board of Excise, and thence to me.

730. What steps did you take upon receiving that letter?—I immediately made a rigid search, and found, what I know has ever been the case, that occasionally there a horse-load of whisky will make its way into the interior of the country, but not to the extent that is here stated, or to the extent which has been lately stated; I know, and am free to confess I knew, that, not a very long time ago (and indeed a prosecution is now outstanding upon that), spirits were takeninto Derry, and there sold at 9*s.* a gallon; at least showing that the illicit distillation can hardly compete, I think, with the legal distillation.

731. Have any other representations of a similar nature been made with reference to the extent of illicit distillation in that district between 1838 and the present year?—This is one of seven from the same gentleman, who is a dealer in the town of Derry.

732. Mr. *Kemble.*] Did you ascertain from Mr. Cathcart whether that statement with respect to him was correct?—I forget whether I did or not; but I took every means to ascertain the truth or otherwise of this letter, and I found that at least it was greatly exaggerated.

733. *Chairman.*] Have you received other applications of a similar nature from other parties?—Yes, from a great many persons, but always in Derry; there was one, a spirit retailer upon a very large scale, who lives within a few doors of this gentleman, Mr. Allen; they are in communication and connexion; he has very frequently since that period said the same thing.

734. Sir *George Clerk.*] Have you ever made any discoveries of illicit stills in consequence of information so given?—I do not think that I have ever done so.

735. Has the information ever been sufficiently distinct to enable you to do so?—Never; this Mr. Allen very recently, since the imposition of the shilling duty, addressed a letter to the Lords of the Treasury, which was sent in the usual manner to me, and I remarked upon some of his statements; but to suppose that horse-loads of whisky, as he stated, could be offered in a great town like Derry for sale publicly, implies that every excise officer ought to be swept off the list, and has neglected his duty. With regard to Mr. Allen, or any body else, as a distiller, it is his interest surely as much as it is mine, at any rate to go to the collector or to the excise officer, and say, "Here is so and so happening; these people are competing with my trade unlawfully; it is my interest you should know this," and give them such information as would enable them to seize. It seems to be forgotten that no spirits can pass in a quantity greater than a gallon, but a permit is necessary; it is the duty of every officer to stop all spirits *in transitu*, and demand a permit; and how, therefore, could 200 gallons be offered for sale in the town of Derry which had not a permit.

736. It is stated in the letter which you read, that, in consequence of the removal of the revenue police from the county of Donegal, the illicit distillation had increased; was any part of the revenue police moved from that county at that time?—Not in my time; not since the year 1836, certainly.

737. Sir *Robert Ferguson.*] Has there been any change in the position or strength of parties in it?—There has been one trifling change; I moved a party from Rutland to Dunglo, a distance of two miles; here is a map, giving the stations of the revenue police, by which it will be seen that the county of Derry and the county of Donegal together have nearly a third of the whole revenue force in Ireland.

738. Sir *George Clerk.*] Are you able to state whether illicit distillation has increased or not since the year 1838?—Here is a return which will show whether it has or has not; I can only judge by the detections, and that though a horse-load of whisky may probably have made its way from the islands which are off the west coast of Donegal into Derry, yet still I do not think that illicit distillation prevails in anything like the degree that has been stated; here is a statement of all seizures and detections, and prosecutions, convictions, &c. &c. that have taken place, bringing it down to the day of my quitting Dublin, which is the 28th of May; and I beg to observe, that the year ending the 28th of May, is almost the same as if the year was put down ending the 10th of October, because after this period there can be no illicit distillation, or none of any importance, inasmuch as malting cannot exist, and all illicit distillation is from malt.

The Witness delivered in a Paper, which is as follows:

AN ACCOUNT of SEIZURES and DETECTIONS made by the REVENUE POLICE from 11 October 1836 to 28 May 1842.

YEARS.	Bushels of Malt.	Stills.	Still-heads.	Worms.	Vessels.	Illicit Spirits.	Plain Spirits.	Gallons of Potale.	Gallons of Singlings.	Horses.	Carts.	Lbs. of Tobacco.	Reams of Paper.	Number of Persons Prosecuted in each Year.	Number of Persons Convicted in each Year.
Year ended 10 Oct. 1837	14,439	340	322	210	3,420	634	334	37,626	982	36	26	168	158	748	553
„ 10 Oct. 1838	20,462	430	311	317	5,172	1,315	789	63,889	1,631	36	26	94	–	772	631
„ 10 Oct. 1839	4,791	209	146	153	1,959	389	1,911	20,414	495	19	17	12	–	294	241
„ 10 Oct. 1840	3,007	136	101	80	1,318	237	514	13,441	303	23	13	138	–	235	189
„ 10 Oct. 1841	3,500	133	95	85	1,360	220	420	14,348	361	16	9	23,722	–	259	213
From 11 Oct. 1841 to 28 May 1842 - -	3,333	121	95	75	1,330	241	237	16,027	453	15	7	29	–	227	182
TOTAL - - -	49,532	1,369	1,070	920	14,559	3,036	4,205	165,745	4,225	145	98	24,163	158	2,535	2,009

739. Sir *Robert Ferguson.*] Is there no malting in September or October?—None in September. I am speaking of the year ending the 10th of October.

740. Sir *George Clerk.*] Will you state how your parties of police are stationed, and the arrangements you make to prevent illicit distillation?—The whole corps is divided into 18 parts; each part is called a division, and it consists of four parties; each party is commanded by an officer, a Lieutenant, with the exception of one, which is commanded by an officer inferior to a Lieutenant; and at that one the Sub-Inspector, who commands the whole division, is stationed, and is responsible for the suppression of illicit distillation throughout the whole of his division, as is each officer of a party responsible to him, the Sub-Inspector, for keeping illicit distillation under, within the range of his party. Nearly a third of the whole revenue police of Ireland is stationed in the counties of Derry and Donegal, including two, or even three, that are not exactly in Donegal, but so completely on the verge of it, that they extend their range into Donegal.

741. What is the distance between the various stations in that district of country?—There is a scale; I cannot precisely call it to my recollection but by comparison with the rest of Ireland. You will see that they are seldom more than half the distance, one from the other, that they are in some other parts of Ireland.

742. Is there any difficulty in the parties perambulating the whole of that distance in the course of the day?—None; because they have to extend their range from one party to another party midway. They are so placed that half the range between two parties is the whole range of one party. The most distant amongst them there is that between Dunglo and Gortahurk, opposite those islands that are the great offenders, where illicit distillation prevails to a certain degree; that distance is about 14 Irish miles; therefore the range of each party is seven miles, which I consider nothing.

743. Sir *R. Ferguson.*] Have you had any application to put the parties nearer to each other in that particular locality?—If I had, I should not have considered it necessary; but I do not recollect any application to put them nearer, though I may have had applications to put other parties.

744. Have you had applications to put on parties, or to change the situation of them?—Yes; I have had repeated applications to change parties, and very seldom a long period elapses without the occurrence of such applications. The reason is this: the revenue police expends 800 *l.* a year, which, in the little hamlet in which it is placed, is of course a great advantage; and wherever there is the least excuse, and indeed without any excuse, a gentleman owning a little village in Ireland, perhaps, is very desirous of getting a party placed there upon the slightest reason that he can give for so placing them.

745. You mentioned a memorial from Mr. Allen to the Treasury, complaining, in 1838, of the great extent of illicit distillation in spirits carried into Derry; are you aware that it appears by this report that the number of gallons of illicit spirits seized in the year 1838 was rather more than double the quantity seized in 1837, and treble the quantity seized in 1839?—I am quite aware of that; but all does not apply to Mr. Allen's particular district, which is only a very small portion of Ireland. I am quite aware that in the second of the years which are there named, 1838, a great many more detections took place; but I have also attributed that, not to the increase of illicit distillation in Ireland, but to the revenue police having better understood the regulations which were established for their observance and operations; and from that year, I fancy, you will find that it has decreased in a considerable degree.

746. *Chairman.*] The increase in that year you attribute to the precautions that were then taken?—In the first year the revenue police was not completely organized; many obstacles presented themselves to me in doing it; I had to get rid of many inefficient persons, persons who had originally been very improperly appointed, upon whom no depen-

dence

dence could be placed. During the first year I worked pretty hard, and got rid of all I could, and always, I hope, on just grounds; and the consequence was, we had the corps in 1838 much better organized, and the regulations for their operations were better understood and better carried into effect.

747. Sir *G. Clerk.*] Is the force now so organized as to render it impossible for an increase of illicit distillation to take place without your being cognizant of it?—I think so.

748. Sir *R. Ferguson.*] But that which I want to draw your attention to is this, that at the time when you received that application from Mr. Allen, it appears that, whether you look at the seizures or the convictions, the numbers are treble in that year what they have been any year since?—I beg to say that that is a misapprehension; that year is made up to the 11th of October; Mr. Allen's letter was dated the 11th of April.

749. But that April is included in the year between October 1837 and October 1838, which is the year I am speaking of as the time when illicit distillation was most in force?—It is.

750. Then Mr. Allen's report is borne out by this paper?—Yes; but I have stated that that is one of seven reports coming from him, which are all identical in their terms, and through the six years of my management.

751. Sir *G. Clerk.*] Have you any account of the seizures that have been made?—I have not brought it with me; in Dublin I have a great book, with columns headed, and each division has a portion assigned to it, under its proper letter, and I can always tell the number by reference to it.

752. Sir *R. Ferguson.*] You alluded to a communication from a Member of this Committee to the Chairman of the Board of Excise, which was placed in your hands, with reference to the district of Ennischowen; was that statement with reference to Ennischowen general, or confined to a particular district?—To a particular district.

753. To a particular district adjoining the county of Derry?—Yes.

754. Have there been any seizures lately made in that district?—I left Ireland on the 1st of June, and therefore I cannot say.

755. Have any seizures been made during this spring in or immediately adjoining the city of Derry?—I believe there have; but I wish to say that there is no day in the 365 days of the year, that in some part of Ireland a seizure of some kind is not made; but I do not think more seizures have been made than are usual; you cannot altogether prevent illicit distillation; but if you detect it when it is going on, it is all you can do.

756. Do you recollect more particularly the district to which that communication from a Member of this Committee to the Chairman of the Excise, with reference to illicit distillation in the neighbourhood of Derry, referred?—It was at the foot of the mountain, called Enniskeen.

757. That was the district you visited?—Yes.

758. Did you direct any parties to search particularly that district?—Certainly; an extract of the letter was sent to the officer in command of one of these divisions, who had full power to make use of the four parties; and, as well as I recollect, he did make use of the four parties, and most assuredly he searched that particular district.

759. You are not aware of his having done so; you say that you suppose so?—I say that he positively did.

760. Can you state what parties he took, and the distance of the particular parties from this district?—The nearest village is, I suppose, eight miles from Bunnerana.

761. Is there any within 10 miles at the other extremity?—No.

762. Can you say whether or not, during this spring, there have been prosecutions, either at the Burnfoot Petty Sessions or in the city of Londonderry, for stills or malting in that district?—I forget. By that return it appears that in the present year there have been 227 prosecutions. I cannot call to mind, but perhaps there may be some gentlemen here who may be able to give that information, because it comes equally to the Board of Excise as to myself.

763. Did the party at Bunerana, after a march of 12 miles, seize one or two stills in full work, and fail in securing two others, in the immediate vicinity of the city of Derry?—I do not know any thing of the matter; but I should say that it is impossible, from the nature of things, for he could not by possibility have marched all that distance unless he had been a madman, because there is a boat which brings him to Burnfoot, and that is not above four miles from the spot you speak about; therefore he had not to march all that distance.

764. You do not know whether he had to traverse all that distance, without saying whether or not he was obliged to march it, owing to the tide being out?—I do not know anything about it; the reason why I gave the explanation was, that it might not appear that the liberties of Londonderry were left unprotected; there is a party at Bunerana; a boat

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boat may arrive within four miles of the coast, and that is, in point of fact, no distance. I have never said that Mr. Allen misrepresented, but this I mean to say, that people are very often credulous. Supposing, for example, that a dealer goes for orders to a customer, the customer will, with a view of getting the spirits much cheaper, say, "I will not give you the price you ask; the whole country is covered with illicit distillation; there is a man who offered me 200 gallons, which I could have had at so much." I do not mean to say that Mr. Allen told an untruth, but I only mean to say that he was totally misinformed; in one word, I fully believe that Donegal is better protected than any other part of Ireland, as far as the means of the revenue police go.

765. *Chairman.*] And as regards this particular district of the liberties of Derry, you consider that the force stationed there is amply sufficient; that they are quite masters of the district that they have to look over?—I do; and moreover, in a town the revenue police never should be placed; an armed revenue police, which is an excrescence in every country, is alone to be placed in the wild mountainous districts of the country, where the ordinary authorities cannot by possibility, with any degree of security, act. Now in the town of Londonderry there is a corps consisting of excise officers, with the collector at the head of them; if he felt that there was any necessity for using force, he had nothing to do but to collect a number of these persons fully equivalent to a party of the revenue police; moreover, there is a large constabulary in the town of Derry, and, of course, they would not allow any of those persons to be killed by smugglers; therefore in great towns, I do not at all consider it necessary to place parties of revenue police; if they are so distant from them as that they can approach to the suburbs of those towns, I consider that quite enough; I moved the party from Derry; that is what I believe has been alluded to as having been a removal from Donegal; I believe what has originated it was that I moved a party from Derry, for the reason that I give, that in a great town there can be no necessity for an armed force.

766. Mr. *O'Connell.*] It is generally considered that the night marches of the revenue police tend greatly to prevent illicit distillation, because they perceive the stills at work; is not that the case?—Yes; there is very little utility in their marching in the day, and I reprimand, and go even further with an officer who makes it a practice to set out at a late hour in the day; I think he ought to be on the ground before daylight, otherwise he is seen at a great distance by the smugglers, who resort to all sorts of expedients to be aware of the approach of the revenue police.

767. The distillery fires are more readily seen by the parties being out at night?—Yes.

768. Sir *R. Ferguson.*] What support do you receive from the constabulary, or what orders are given to them in reference to your force?—There has been a misapprehension ever since I have been in Ireland, now six years, as to the Act under which the constabulary is constituted; it was supposed, when first introduced into Ireland, that to deal with illicit distillation would render them so unpopular as to make it very difficult for them to execute their own particular duties, and by a section in that Act, which Act is the 6th & 7th of William the Fourth, chapter 13, section 15, it is enacted, that the constabulary are bound to execute all lawful warrants of the magistrates, except warrants under any revenue Acts, tithes and something else it has hitherto been supposed that under that section it would be illegal for them in any way to act for the suppression of illicit distillation, or for the support of the revenue; but that misapprehension has now been totally removed; since my arrival in London, the Government has seen it fully in the way in which I wished they should do, and as I thought they might do; the consequence is, that orders have now been issued, or are about to be issued, that the constabulary shall give to me confidential information whenever illicit distillation exists within their comparatively very confined districts; that is one of the arrangements which, in reply to a question which was put to me, I stated had already commenced; and a most effectual one it is, and I think will do more to prevent illicit distillation than if the revenue police were quadrupled.

769. Mr. *M. O'Ferrall.*] Is that order, to which your refer, founded upon the Treasury Minute of 1838?—It is nearly the same; but that minute of 1838, I am sorry to say, was never fully carried into effect by the Irish Government, though nothing could be more decided than that Treasury Minute.

770. Where did the difficulty arise; was it with the constabulary?—It was entirely upon the point of law, I believe; but it is now seen that it was an unfounded construction.

771. Sir *G. Clerk.*] I believe the construction put upon that clause went so far as that the constabulary were considered as being prevented from offering any protection to excise officers or the revenue police, even if there was danger to their lives?—That was in reference to the execution of warrants; that they were not to execute any warrant under any Revenue Act, unless forcible resistance should have actually taken place to the officer executing the warrant, and so to be proved to have taken place upon oath; I think that an absurd regulation.

772. Mr. *M. O'Ferrall.*] What are the regulations in force now as regards the constabulary and the revenue police?—It is only within a few days that the regulation has been framed; since I have returned from Ireland.

773. Captain *Jones.*] Do you wish the Committee to understand that the quantity stated as being seized in this Return is a true index of the quantity of illicit distillation which is going on in the country?—The only means hitherto, until this arrangement which is now about to be carried into effect, by which I could judge of illicit distillation, is by the detections; but I believe that the regulations are such, that very little, if any, illicit matter can escape the revenue police, where there is any revenue police; and I think, therefore, that it ought to be taken as a fair indication of the amount of illicit distillation in general; and upon that subject I would say, that the gross total of the seizures there does not amount to so much as any licensed distiller of the highest class, such as Mr. Jameson, whom you have had in evidence before you, would distil probably in a couple of months.

774. I understand you to say, that subsequently to the year 1838 or 1839, at all events, you think that the regulations under which the revenue police acted were perfect?—No, I do not say that; but I think that they are as perfect as I can make them, and at any rate they are better than they were before, when there was no system at all.

775. The last return in that paper is not for a full year?—No; but from the 28th of May till the middle or the end of September, there can be very little illicit distillation, if any.

776. Will you have the goodness to state to the Committee whether the quantity seized in that period of eight months does not exceed the entire amount seized in the preceding period of twelve months?—No; the number of bushels of malt were 3,500 in the year ending 10th of October 1841, and in the period ending in May last, which we will call a year, it is 3,333. The number of stills, which after all is the essential point, and the most material point, in the year ending 10th October 1841, is 133; the number of stills in the present year is 121; in 1841, 259 were prosecuted, and in this year it is 227, showing a very material decrease; but, however, I am quite sure that it will be found, when the 10th of October of this year shall have arrived, that, upon the whole, illicit distillation will have decreased, because I do not anticipate making any seizures of any importance for the remainder of the present year.

777. Sir *R. Ferguson.*] Will you look at this return relative to the quarters, and state the numbers in the quarters of the three last years?—But this is not half or one-fourth for illicit distillation, and there is the great mistake of gentlemen in Ireland, that all is supposed to be for illicit distillation; I see there were 200 gallons seized; but who is to say that that was not got out of the stock of some fraudulent licensed distiller.

778. Are those included in this return which you have given in?—No, unless seized by the revenue police.

779. Mr. *M. O'Ferrall.*] Have not the revenue police occasionally seized fraudulent malt on the premises of licensed distillers?—Yes.

780. Would the malt in that case be inserted in that paper?—Yes.

781. Then that would have the appearance of malt seized from an illicit distiller?—Yes, that is so; I had forgotten that.

782. Have you known instances of whisky being seized belonging to a licensed distiller which was issued from the distillery without a permit?—Yes, every day we hear of it, and seize it too.

783. If such a seizure was made by the revenue police, would the quantity seized be inserted in that return?—It would, but it would be under a different head; I have no means, with respect to this printed paper, of distinguishing between illicit malt made by a fraudulent licensed maltster and the other; but in my return you will observe that one is under the head of plain spirits, which means spirits distilled by licensed distillers attempting to defraud the revenue by evading the Act of Parliament.

784. Captain *Jones.*] Will you refer to your return of the two articles of potale and spirits, and state to the Committee whether the quantity seized in the last eight months does not exceed the quantity seized in the previous 12 months?—Two hundred and twenty gallons of illicit spirits were seized in the year ending October 1841, and 241 gallons were seized in the past year; there is a difference of 20 gallons—in the potale there is 2,000.

785. So far showing that there may have been some increase in the quantity of illicit distillation?—Yes; but it is so impalpable that it is not worth talking about.

786. I understand you to say that you do not think that the reduction of the malt drawback will be of such consequence as to act as an incentive to encourage the illicit distiller to revive his trade; is that the only circumstance at this moment which is likely to act as an incentive to the illicit distiller to return to his illegal practices?—No, of course there is the shilling duty; I am perfectly free to confess, that where there is an increase of temptation, there must necessarily be looked for an increased tendency to illicit distillation; but I repeat, that the present system and the present force, where it is established, and where illicit distillation prevails, I consider to be quite sufficient to keep under the additional illicit distillation; I can readily explain it to you; you have the map before you. Take the range of any one of the parties; if that party meets with instead of one or two or three stills, as at present, they meet with 50; it is as easy to deal with them, having the means, under the regulations, of self-defence.

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787. Then do you mean the Committee to understand that, however great the incentive may be to the illicit distiller to return to his illegal practices, you think that the regulation of the revenue police and the strength of the revenue police are so great as to prevent any injury to the revenue of the country?—I think, however great illicit distillation might be in Ireland with the present system under which the revenue police acts, provided that system, as I have already said more than once, be extended, and the police itself be applied more generally, it might be kept under; but for the 1*s.* duty additional, I do not think that the incentive will be so very great as to increase illicit distillation to such an extent as to make it at all necessary at present to add to the revenue police, and more particularly as the Government are carrying into effect additional arrangements.

788. Sir *R. Ferguson.*] Will you give from that return the number of detections and the number of persons who appear to have been prosecuted and who appear to have been convicted in the spring quarter of the years 1840, 1841 and 1842?—The number of detections in 1840 was 420, in 1841 it was 289, and in 1842 it was 320, so that it is much less than in 1840; in the quarter of 1840, 114 were prosecuted; in the year 1841, 113 were prosecuted, and in the year 1842 there were 127 persons prosecuted; but I beg to say that though I am reading this return, I do not make myself responsible for its correctness which I do for my own: this does not state detections made by the revenue police alone, but detections made by all classes of the revenue together.

789. Mr. *Grogan.*] Is there any quarter or month in the year in which your detections are more numerous than in others?—Yes; I have always reckoned that before festivals, Christmas and Whitsuntide, they are more frequent.

790. Do you conceive that in the spring of the year very many detections generally take place?—I think I have observed it for the most part, because naturally illicit distillation must cease at a certain period; therefore they seem at that time to be making up as much as they can for future consumption.

791. Captain *Jones.*] Is there any regulation by which each party of the revenue police is required to march a certain distance every day?—Not every day, but four or five days in the week: four days would be considered very moderate labour in a week.

792. Have the goodness to state shortly what the regulation upon that subject is?—It is defined very much by their being able to employ themselves usefully.

793. Is it possible, under the regulations, that a party of the revenue police might travel over the same ground day after day?—It is possible, certainly; but they would do very ill if they did; it would be a bad employment of their time; you will find that the ranges of a party of the revenue police are like the radii of a circle, to every point of the circumference from its centre, to a certain distance, which is defined for them upon the map; they are required, whatever number of miles they travel, to keep down illicit distillation there; and if it is found that within that district illicit distillation takes place, then that officer deserves to be dismissed, and has neglected his duty, if he fail to detect it.

794. Mr. *M. O'Ferrall.*] Do they make a return to your office of the patrols they make?—I get from the officer, at the expiration of every six weeks, a diary, which is sworn to, or rather declared, before a magistrate, and also declared by the sergeant as a check upon the officer, which defines the number of days that he has left each station in each week, the hours of the day in which he quits that station in that week, the number of miles travelled, the townlands visited, and every place that he has searched; so that I can tell, by looking over the journals, whether the party has been properly employed.

795. So that if any officer continually went to the same townlands, you would unquestionably detect him?—Certainly.

796. Captain *Jones.*] The journal which is returned to you by the officer will enable you to ascertain that?—It ought so to do, if I trace it upon the map, which of course I very often do; and if I do not, it is sent to the Board of Excise here, and other persons examine it; but I myself examine very strictly upon that point.

797. Is the original journal sent to the Board of Excise?—Yes.

798. Mr. *Grogan.*] Are your men on duty on Sunday?—Every Sunday they are not, but often upon Sundays.

799. Have you any reason to believe that on Sundays there is any increase of illicit distillation?—Yes; on Sundays people would, I think, be more inclined to distil illicitly, because it is not a day of labour; but I have no other reason for saying that it is so; if every body who has the power in Ireland would only aid and assist in the suppression of illicit distillation, illicit distillation could not by possibility exist.

800. Mr. *M. O'Ferrall.*] You think if gentlemen of the country exerted themselves, you could put it down?—The law empowers them to do it; for under one of the sections of the Illicit Distillation Act, every gentleman may act, and also his steward.

801. Sir *R. Ferguson.*] What is that Act?—The 1st & 2d Will. 4, c. 55.

802. Mr. *Campbell.*] Under that Act you think that if they used the influence which proprietors must have, they would to a great extent put down illicit distillation?—Yes, if they

they reported illicit distillation where it was carried on close to their own houses; if, instead of saying that the information was given to them in confidence, they would state the names of persons and the houses wherever it was, I would answer to them that by return of post, if I had to send a party even 50 miles, and to a part where it was solitarily carried on, that all the complaints that they make should be immediately redressed; but to have to fight with phantoms is one of the most annoying duties that a man can have; a report is sent to the Treasury talking of 200 gallons being sold, and of every house in such a district having its own still, but nobody tells me where the houses, are or the parties names; if they did, the thing would be put down.

803. Sir *R. Ferguson.*] Do not you think it possible that a country gentleman might be able to get information, so far as to be able to give the townland without knowing the exact house, so that before the information reached you in Dublin, and the revenue police came down, the still might be removed from one house to another?—It is very possible; but it has been stated over and over again to me, in repeated letters, that illicit distillation exists here and exists there; I never in any one single instance, in the six years of my management, have received a tangible statement, one which I could act upon; therefore I have to fight with phantoms, which is the most annoying of my duties. Now, with regard to the power that gentlemen in Ireland have to act in the suppression of illicit distillation, it is section 21 of 1 & 2 Will. 4. c. 55, commonly called the Illicit Distillation Act—"And be it further enacted, that it shall be lawful for any Justice of Peace who shall find any still, still-head or worm of a still in possession of any person, without a sufficient license being produced for keeping the same, and for any landlord or proprietor of any land or premises on which the same shall be found, or his steward or bailiff, to seize such still, still-head or worm, and to convey and deliver the same to the next officer of Excise, who shall take such still, still-head or worm into his custody, and secure the same in like manner as if such still, still-head or worm had been seized by him," because the seizing officer has a special commission for such purposes—"and it shall in like manner be lawful for any Justice of the Peace, landlord or proprietor, or steward or bailiff, to seize any low wines, singlings, wort, wash, potale, or any corn or grain making into malt, in the possession of any person not entitled by law to have the same in possession, and to spill and destroy all such low wines;" in short, the whole machinery of illicit distillation.

804. That is the power that you conceive every proprietor in Ireland can exercise?—Yes.

805. In order to exercise it as a revenue police, you are obliged to arm the police?—It is necessary in mountainous districts.

806. But they never travel without arms when on duty?—They never do, because they are on a military system.

807. Do you think that it would be possible, from what you know of Ireland, for almost any proprietor there to go unarmed to seize a still?—In many cases I say that they could and ought to do so. In Derry, on the road from Derry to Moville, which I think is one that the Honourable Member knows something of, I think he might as safely do it (and that is the spot where it is stated that illicit distillation prevails) as he could in Grosvenor-square.

808. Do you know that country sufficiently well to speak to that?—I should say that I do; I have travelled over it, and I know that there is a considerable body of constabulary thereabouts.

809. Are you aware that that considerable body of constabulary is occasioned by the unruly nature of a quarrel that has arisen about the fisheries?—No, I am not.

810. Captain *Jones.*] Can you state to the Committee how those illicit distillers carry the whisky along the road?—By means of horses, in some cases.

811. Have you ever seen them yourself so carrying it?—I have in this way: last year I heard a great many statements that illicit distillation was going on to a great extent in the islands off the coast of Donegal, off the mouth of the river, called the Guidore; the revenue police, of course, could not reach those islands; they had no means of doing it, and if they had, they are landsmen, and could not work the boats; I went to that place, and I myself saw horses being laden with whisky, which was stated to me to be illicit whisky, and I believe the fact, which was then being landed in boats from the island of Innismeane, one of the islands off that coast; therefore I can state, of my own knowledge, that that is the manner in which the smugglers endeavour to carry whisky along the roads.

812. Mr. *M. O'Ferrall.*] Do the coast-guard co-operate with the revenue police?—I am sorry to say that they have not done so; and, in order to meet that evil, I made an application that means should be given to me for the doing of it, and that is one of the measures that I alluded to when I said that additional arrangements were making; but upon that particular occasion, having satisfied myself that there were stills at work, and spirits being manufactured in those islands, I got the Chairman of the Board of Excise to send to Scotland for an excise cutter, with boats and sufficient crew, to act as they did act in Scotland when illicit distillation prevailed there, that is to say, to make a barrack of the cutter, and to scour the islands by means of its boats, and they completely suppressed it for a time, so much so, that the agent of the property there, belonging to Lord George Hill, with whom I spoke at the time, and who told me that the islands were blazing, as he called it, with illicit distillation, wrote to Lord George Hill, who forwarded to me his letter, in which he said Colonel Brereton had declared, when he was in the country, that he would put down illicit distillation in those islands; "I could not," he said, "conceive it possible that he would do it so effectually as he has done it; there is not now the slightest trace of it."

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813. Captain *Jones.*] Then the mode in which the spirits are carried along the roads is across the horse's back on which the man rides?—Yes.

814. You have not seen large parties carrying spirits in that way?—I have only seen what I have just stated.

815. Does your information enable you to say whether those people who carry those spirits are a lawless people in their habits?—They clearly are a lawless people, because they are infringing the law.

816. Are they violent and outrageous?—Yes.

817. Do you think that it would be safe for any country gentleman unarmed to attempt to stop people of that sort?—Not in that district; it would be in many countries; the country to which I allude is the wild mountainous part of Donegal; immediately about Derry, to say the least of it, is a very different kind of country.

818. Mr. *O'Brien.*] The general tendency of your evidence is, that the country gentlemen of Donegal and Derry do not assist the revenue as they might do; is it your intention to convey such an impression as that to the Committee?—I do not mean to convey that impression; I mean to say, that if the country gentlemen would use the power that the law has invested them with, and if the country gentlemen, where they knew illicit distillation existed, would take the pains to ascertain where they were carrying it on, and where they could not themselves act, they would convey that information to me, at whatever distance and whatever expense the operation might be attended with, I would take care that the place should be visited, and the thing as far as possible put down; but when vague assertions are made of illicit distillation, I must of course believe that the gentlemen who convey it are mistaken, if they will not give positive data upon which to act.

819. Mr. *M. O'Ferrall.*] I believe you have received positive information from other gentlemen as to illicit distillation, which led to its total suppression?—I have from you; you informed me of it in the town of Longwood.

820. Had you the same information from other gentlemen in that neighbourhood?—I had.

821. And it had the effect of totally suppressing it?—It had; I marched parties there, and I found the information perfectly correct, that it was so; we searched, and repeatedly visited backwards and forwards every fourth or fifth day, and now we have utterly suppressed it, and I believe it is almost forgotten.

822. You stated just now that you saw some whisky landed from one of the islands; could that have been done without the knowledge of the coast-guard?—For the purpose of obtaining means for doing that which I found was not done by the coast-guard, I made an official report of the matter, and the case was referred to the Customs; the reasons there given why the coast-guard station, which was very near to the landing-place, at any rate within full view of those islands, did not act was, that they patrolled all night, and that by day they were in bed and asleep, and did not see it.

823. Mr. *O'Connell.*] Are you aware that some of the largest licensed distilleries in Ireland are in the city of Cork and in the city of Limerick?—I am aware that there are distilleries there.

824. Are you aware of this fact, that the counties in the south of Ireland are quite free from illicit distillation?—I know that the county of Kerry is quite free, and that the county of Cork is almost free; there was a rumour, as to the county of Cork, that I sent a party of revenue police from a considerable distance, and at a considerable expense, to be placed in Dunmanway, in consequence of some assertions that were made; but I found that those assertions were totally groundless, and they have never been able to make any seizure, and the intention now is to place them where they may be better employed.

825. The vicinage of those great distilleries is utterly unaffected by illicit distillation, is it not?—I believe that there is no illicit distillation in either Kerry, Cork or Waterford, Wexford or Kilkenny.

826. Captain *Jones.*] You spoke of the success which attended your attempt to put down illicit distillation in a district where you had received information from gentlemen in the neighbourhood; what description of country was that, was it a mountainous country or a low land?—It is a wild boggy country.

827. A wild boggy district of great extent?—If I recollect right, it is upon the verge of the Bog of Allen.

828. So far a district similar to that which we have been speaking of in the counties of Donegal and Londonderry?—No, not the least like it; I do not see the least similitude between the two counties.

829. Is it as easy to suppress illicit distillation in the county of Derry and the county of Donegal as in the district in which you were so successful?—Certainly not; and for that reason, in the one there is no revenue police at all, and in the other two counties they have very nearly a third of the whole force.

830. Mr. *O'Connell.*] What is the entire force?—Nine hundred and six privates; altogether, officers and sergeants, they come to about 1,050 persons.

Appendix N.—(No. 1.)

A RETURN of the Number of Gallons of Proof Spirits on which Duty was paid for Home Consumption in Ireland, with the Rates and Amount of Revenue thereon, the Number of Detections, Prosecutions and Convictions for Illicit Distillation, and the Price of Corn in each Year, from 1824 to 1852.

YEARS.	Gallons of Proof Spirits on which Duty was paid for Home Consumption.	Amount of Revenue.	RATES OF DUTY PER GALLON.	For Offences against the Laws for the Suppression of Illicit Distillation.			Price of Corn per Quarter, (Average for England and Wales.)			YEARS.
				Number of Detections.	Number of Persons Prosecuted.	Number of Persons Convicted.	Wheat.	Barley.	Oats.	
		£. s. d.					s. d.	s. d.	s. d.	
1824	6,690,315	803,148 11 5	2 s. 4 ¾ d.	There are no perfect records of the detections and prosecutions for offences against the Laws for the suppression of Illicit Distillation in Ireland previous to the passing of the Act 1 & 2 Will. 4, c. 55, which came into operation 31st December 1831. Before that time penalties for offences of this nature were inflicted on the townlands, and were collected by County Treasurers, who rendered very imperfect accounts			62/	35/3	24/1	1824
1825	9,262,744	1,111,825 12 —	„				66/6	38/10	24/11	1825
1826	6,834,867	967,998 12 11	2 s. 10 d.				55/11	33/4	25/11	1826
1827	8,260,664	1,170,233 7 2	„				55/	35/5	26/6	1827
1828	9,937,903	1,407,869 11 10	„				58/6	31/9	21/10	1828
1829	9,212,224	1,305,064 18 6	„				64/2	31/6	22/1	1829
1830	9,004,539	1,412,917 7 8	To 15th March 1830 - - 2 s. 10 d. From ditto, to 14th June 1830 3 s. — d. From - - - ditto - 3 s. 4 d.				62/3	31/7	23/8	1830
1831	8,710,672	1,451,778 13 4	3 s. 4 d.				66/4	38/	25/4	1831
1832	8,657,756	1,442,959 6 8	„	5,455	1,095	1,042	58/8	33/	20/5	1832
1833	8,168,596	1,361,432 13 4	„	8,223	2,304	1,926	52/11	27/6	18/5	1833
1834	9,708,416	1,369,310 12 8	To 1st September 1834 - - 3 s. 4 d. From - ditto - - - 2 s. 4 d.	8,192	2,743	2,194	46/2	29/	20/11	1834
1835	11,381,223	1,327,809 7 —	2 s. 4 d.	4,904	1,809	1,248	39/4	29/11	22/	1835
1836	12,248,772	1,429,023 8 —	„	3,323	1,257	903	48/6	32/10	23/1	1836
1837	11,235,635	1,310,824 1 8	„	3,136	890	682	55/10	30/4	23/1	1837
1838	12,296,342	1,434,573 4 8	„	3,298	763	593	64/7	31/5	22/5	1838
1839	10,815,709	1,261,832 14 4	„	1,359	317	227	70/8	39/6	25/11	1839
1840	7,401,051	936,126 3 8	To 15th May 1840 - - 2 s. 4 d. From - ditto - - - 2 s. 8 d.	1,004	279	202	66/4	36/5	25/8	1840
1841	6,485,443	864,725 14 8	2 s. 8 d.	881	317	228	64/4	32/10	22/5	1841
1842	5,290,650	904,908 8 —	To 11th March 1842 - - 2 s. 8 d. From - ditto - - - 3 s. 8 d.	1,895	664	478	57/3	27/6	19/3	1842
1843	5,546,483	852,418 11 4	To 1st August 1843 - - 3 s. 8 d. From - ditto - - - 2 s. 8 d.	3,456	1,576	1,035	50/1	29/6	18/4	1843
1844	6,451,137	860,151 12 —	2 s. 8 d.	2,574	646	462	51/3	33/8	20/7	1844
1845	7,605,196	1,014,026 2 8	„	2,178	395	270	50/10	31/8	22/6	1845
1846	7,952,076	1,060,276 16 —	„	1,370	249	176	54/8	32/8	23/8	1846
1847	6,037,383	804,984 8 —	„	946	420	339	69/9	44/2	28/8	1847
1848	7,072,933	943,057 14 8	„	2,385	973	822	50/6	31/6	20/6	1848
1849	6,973,333	929,777 14 8	„	2,654	1,333	1,179	44/3	27/9	17/6	1849
1850	7,408,086	987,744 16 —	„	3,545	1,203	1,079	40/3	23/5	16/5	1850
1851	7,550,518	1,006,735 14 8	„	3,466	903	764	38/6	24/9	18/7	1851
1852	8,208,256	1,094,434 2 8	„	2,904	635	562	40/9	28/6	19/1	1852

Inland Revenue Office, London, 13 July 1853.

Appendix N.—(No. 2.)

Appendix N.

A RETURN of the Number of Persons confined in each Gaol in Ireland, for Offences against the Laws for the Suppression of Illicit Distillation, on the 5th day of March 1843.

Gaols.	Number of Persons confined on 5 March 1843.	Gaols.	Number of Persons confined on 5 March 1843.
Antrim	11	Limerick County	7
Armagh	1	Londonderry	10
Carrick-on-Shannon	29	Longford	15
Castlebar	51	Maryborough	2
Cavan	9	Monaghan	13
Clonmel	2	Nenagh	6
Down, County	1	Omagh	47
Dungannon Bridewell	4	Roscommon	19
Ennis	22	Sligo	15
Enniskillen	5	Tullamore	1
Galway, County	15		
Galway, Town	1	Total	356
Lifford	69		
Limerick, City	1		

Excise Office, London,
15 March 1843.

Appendix O.

Appendix O.

COPY of the Report of Mr. Logie and Mr. Steel on Illicit Distillation and the Revenue Police in Ireland.

Honourable Sirs, Excise Office, 7 August 1833.

We beg leave to return the following papers respecting illicit distillation in Ireland, which you have been pleased to refer to us :—

1st. The diary of Mr. Robert Plunkett, inspector of Revenue Police, with the collector of Derry's report thereon.

2d. The report of Mr. Samuel Graves, inspector of Revenue Police, respecting the state of the parties in his inspection, and the increasing state of illicit distillation.

3d. The report of the collector of Foxford on the state of illicit distillation in that collection, and the performances of the parties, Nos. 34, 35, 37 and 48.

4th. Report of the collector of Derry on illicit distillation, and the performances of the parties, Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 20, 21, 22, 24, 41, 49, 56, and the Culdoff party.

5th. Correspondence respecting a police party being placed at Clifden (county Galway), or in the neighbourhood thereof. This question appears by the papers to have been already decided.

From these statements, it is evident that illicit distillation has increased considerably, which subsequent accounts, both public and private, confirm ; and it is not now confined to those collections in which illicit distillation had been generally carried on, but has extended to others where the practice had not hitherto prevailed to any great extent.

We have given the subject much consideration, and have made inquiries from many persons conversant with the present state of illicit distillation in Ireland, and find the general opinion to be that the increase which took place, from time to time, in the duty on spirits, subsequent

to

to its having been reduced to 2 *s.* per English wine gallon at proof, by the Act of 4 Geo. 4, c. 94, is the principal cause of the great increase of that evil.

Previous to the passing of that Act the duty was charged according to the capacity of the Irish gallon, but without reference to the strength of the spirits (which was, however, generally 25 per cent. over proof). The Act substituted the English wine gallon, and a subsequent Act the imperial gallon; and as this variety of measures would tend to confuse any comparison we might make between the quantity of spirits charged with duty for home consumption at one period with that of another, the observations we are about to make will refer to the imperial gallon only at proof, into which we have converted the quantities charged by other measures and at a different strength.

The quantity of spirits charged with duty in Ireland, on the average of the last three years of the old law, under which the rapid system of illicit distillation was carried on, was 3,173,948 gallons. The duty then payable was about 5 *s.* 4½ *d.* per gallon. The 4 Geo. 4, c. 94, which reduced the duty to very nearly 2 *s.* 5 *d.* per gallon, came into operation on the 10th October 1823, and the quantity charged with duty for home consumption, in the three first years of the new Act, are as follows:

	Gallons.
Year ending 10th October 1824	7,042,360
„ „ 1825	7,690,337
„ „ 1826	8,365,597
Average of three years	7,691,431

being upwards of four millions and a half gallons over the average of the three former years.

It appears from the above account that there was an increase in the quantity charged in 1826 over that of 1825, and considerably over that of 1824, although an increase of 5 *d.* per gallon in the duty on spirits had taken place from the 5th January 1826, under circumstances which it is not now necessary to advert to. But we find, in the first three months of that year, 3,603,745 gallons were charged at the low rate of duty, when, in the following nine months, 4,761,852 gallons only paid duty. This was considerably short of one-half the quantity that should have paid duty in proportion to the quantity charged in the first three months of that year; but it might have been expected that there would be a decrease in the quantity, as it is well known, long previous to the 5th January, that the duty would be then increased, consequently large quantities of spirits were taken out of warehouse to avoid it, which could not then be sold, but which in part supplied the consumption of the ensuing nine months. Notwithstanding this, the decrease during these last nine months appears so great, that we are led to believe, and what many respectable traders have assured us is the fact, that evasion of duty again commenced at this period in the licensed distilleries, which had entirely ceased from the time the duty had been reduced, and the new law had come into operation.

The duty thus increased to 2 *s.* 10 *d.* per gallon, remained at that rate for the three succeeding years, and the following quantities were charged with duty for home consumption:

	Gallons.
Year ending 10th October 1827	7,722,594
„ „ 1828	9,948,600
„ „ 1829	9,204,705
Average of three years	8,958,633

Notwithstanding the increased duty, the average of the quantity charged in the second three years of the new law exceeded the average of the first three years by 1,259,202 gallons, and the three last years of the old law by 5,784,685 gallons; and it will be observed that in the year ending October 1828, above three times the quantity paid duty than were charged on the average of the last three years of the old law.

The quantity which paid duty for home consumption for the last three years, are as follows:

	Gallons.
Year ending 10th October 1830	8,920,820
„ „ 1831	8,839,986
„ „ 1832	8,659,459
Average of three years	8,806,755

An increase took place in the duty on spirits in the year 1830, 2 *d.* per gallon on the 16th March, and 4 *d.* on the 15th of June; and it will be observed that there has been a gradual falling off in the quantity charged during these three years, and also in 1829; for the maximum quantity charged since the commencement of the new law was, in the year ending

Appendix O.

ending the 10th of October 1828, and of which the last year has fallen short, 1,289,141 gallons. The duty, however, was only 2 *s.* 10 *d.* in 1828, when, in the last year, it amounted to 3 *s.* 4*d.* per gallon; had the duty continued at the former rate, we think it is more than probable so great a falling off in the quantity charged with duty would not have occurred.

These accounts show the beneficial effects of a low rate of duty, combined with a distillery law, in every respect effectual, if faithfully enforced; a similar result was, for a short time, produced by a reduction of the duty on spirits in 1810, even under the rapid system of distillation. On the 5th March in that year the duty was reduced from about 4 *s.* 8 *d.* to about 2 *s.* 5½ *d.* per gallon, and it remained at that rate until May 1812, when it was increased to about 4 *s.* 10¾ *d.*, subsequently to 5 *s.* 10½ *d.*, and again reduced to about 5 *s.* 4½ *d.* in 1816, at which rate it remained until the 10th of October 1823.

In the year ending the 5th January 1811, 4,727,196 gallons were charged, although the low rate of duty was only in operation the last nine months of that year, and the previous three months' distillation from grain was prohibited. The year ending 5th January 1812, 6,376,691 were charged; the average of these two years (or rather one year and nine months), at the low rate of duty, is 5,551,943 gallons; the average of the two previous years, 1809, 1810, is 2,500,000 gallons less; but as distillation from grain was prohibited, and sugar used in the distilleries the greater part of that time, this comparison cannot be considered a fair one. Taking, however, the average of the last three years of the old law, ending 5th January 1823, which, compared with the average of 1811 and 1812, the latter exceeds by 2,377,995 gallons the average of 1821, 1822 and 1823. Thus, at the end of ten years, with a population greatly increased, and a consequent increased consumption, we find there was a decrease in the quantity charged with duty of nearly two millions and a half gallons, which we think cannot in any way be accounted for, but by great evasion in the licensed distilleries, and illicit distillation being then carried on to considerable extent, caused perhaps by the very high rate of duty.

At the different periods to which the above observations refer, the license system, or charge by assessment, according to the capacity of the still, was in operation in Ireland; and it is worthy of remark, that, in 1810 and 1811, a 500-gallon still was only liable to 100 still charges per month; when, in 1821, 1822 and 1823, a still of the same content was liable to 189 charges per month, consequently a proportionate increase might be expected in the quantity charged with duty. The reverse, however, was the case; for, instead of any increase (although 89 per cent. had been added to the assessment), there was a deficiency of nearly two millions and a half gallons, as already stated.

We have taken an account of the seizures made of illicit stills at three periods since the new law came into operation; at the first of which illicit distillation was represented by the official reports to prevail to a very great extent, and which the numerous seizures prove. They also state it to have been nearly suppressed at the second period, and at the third to have greatly increased.

	Stills seized.	Distilleries destroyed.	Number of Police Parties employed.
Year ending 5th January 1826	2,418	8,558	32
„ „ 1830	960	2,578	38
„ „ 1832	729	1,500	52

Were an opinion to be formed of the state of illicit distillation in the year ending the 5th January 1832, from the very few seizures made in that year as compared with 1826, we should say it had greatly decreased, but all accounts state the contrary to be the fact; and though the accounts of last year ending 5th January 1833, which we have just seen, show 974 stills to have been seized, and 2,299 distilleries destroyed, those comparatively few detections have been made by a greatly increased police force, which, in the year ending 5th January last, consisted of 57 parties, 25 more than were employed in the year ending the 5th January 1826. It would therefore appear the attempt to check illicit distillation by physical force alone, even when the duty on spirits was low, has completely failed; and we are of opinion that, if it could have been effected by the Revenue Police under their present regulations, they must have succeeded in the county of Donegal from their numbers, as there are 20 parties placed in that county, and those in the most judicious situations that could be selected for the suppression of smuggling, independent of the party stationed in the city of Derry, whose exertions are almost exclusively directed to Donegal. Notwithstanding this ample force, and the advantageous stations which the different parties occupy, illicit distillation has greatly increased in that county. Some change, therefore, appears to be essentially necessary in the regulations under which the still-hunting duty is now carried on in Ireland; for it is quite useless to be daily augmenting the police establishment, now increased to 64 lieutenants and 856 serjeants and men, when no beneficial result is likely to be produced thereby.

The Revenue Police were originally raised on the recommendation of one of us (Mr. Logie), and in his report of the 14th of October 1824, the necessity for forming that force will be found fully detailed.

On the introduction of the English system of survey into Ireland in 1824, the officers employed in the illicit distillery districts, who had little to do but still-hunt, were removed to divisions or rides, or the business of their own so much increased as to entirely engage their time; and the suppression of illicit distillation which had to that time been conducted by two Excise officers generally, or by one Excise officer and an assistant, who were always attached

attached to each party, was then placed in the hands of the Revenue Police, who, instead of being the assistants and protectors of the Excise officers on this arduous duty (the purpose for which they had been originally employed), had all responsibility transferred to them, and the lieutenants, in addition to their own, have since then the duty of the Excise officers also to perform.

Either would, in our humble opinion, be sufficient for any one person, no matter what his qualifications might be; and where an armed body of men are engaged in a service where they have often access to spirits without restraint, and liable to be attacked by the smugglers whenever a favourable opportunity opens for one, it would, we think, afford ample business for the lieutenant and serjeant of each party to attend solely to the conduct and discipline of the men, who besides require to be closely watched, lest when searching they discover illicit matters concealed, and receive money from the smugglers for not disclosing to their officers such having been found by them. This was formerly a common practice of both police and soldiers, and very difficult to guard against.

Several of the lieutenants of police are active men, no doubt, and have had much experience in the suppression of illicit distillation; others have been recently appointed who had no previous knowledge thereof, and who, perhaps, had never until then seen an illicit still or a private distillery. Since this duty has been entirely entrusted to them, their numbers have been more than doubled; and, although their exertions must have produced some effect, and harassed the smugglers, still the complaints of the great increase of illicit distillation are so numerous, and from such various quarters, that there can be no doubt of the fact. It is, therefore, for the Board's consideration whether it would be prudent, after the present system has had a nine years' trial, to pursue it further, or resort to the employment of the police as auxiliaries to one or two Excise officers, to be attached to each party as was formerly the practice.

We might be asked, if a second officer be required, why not appoint a sub-lieutenant to each party, as it might be supposed that any person of active habits would be equally well-qualified as an Excise officer to perform this duty? No doubt, if both are inexperienced, such would be the case; but many of the regular Excise officers have experience; besides, they could resume their own duty either when they found the fatigue and labour of still-hunting likely to impair their health (for we would not recommend any officer being selected for it against his consent), or when it had been finally suppressed; but a lieutenant of police has no such resource,—loss of health or the suppression of smuggling would deprive him of employment and pay. We do not make these observations in an invidious sense, though it is but reasonable to suppose a man, who knows that if by great exertion he injures his health, or dries up one source of employment, and has another to resort to of less risk and labour, which will afford him a reasonable emolument, that he will be more zealous in a service than another whose exertions, though producing the same effect, would be attended with the very opposite result.

If, under these circumstances, the Board consider it necessary that a regular Excise officer should be appointed to each police party, we would suggest that he should accompany them on all occasions, and have no other duty whatever to perform. Those who were formerly employed on this duty in Ireland, if their health permit, and that they had no objection, should, we think, be preferred; for a knowledge of the country and of the habits of the smugglers are essential requisites. Others might be selected from the officers who were similarly employed in Scotland; they should, however, be young and active men, otherwise they would be unfit for such duty.

It is not to be expected that a duty of this nature can be performed with effect unless the officers, whether regular or police, have ample means in their hands to pay informers and to defray their contingent expenses, for which their salary or pay is quite inadequate; or that they will be zealous in its execution unless they are certain of remuneration for the risk and labour with which it is attended. The rewards granted by your general order of the 6th March 1827, although on a moderate scale, were sufficient in our opinion for these purposes; and we think the suspending the payments of these rewards since the 5th July 1830, has been attended with bad consequences; and this alteration was made at the very time the greatest exertions were required to keep illicit distillation in check, as an additional duty of 6 *d.* per gallon on spirits had then taken place. The next measure we would therefore recommend is the resuming the payment of the rewards for still-services, according to the scale granted by your order of the 6th March 1827; and the reward for the seizure of illicit-distilled spirits, granted by your order of the 11th February last, to be of course continued.

Should the Board approve of these suggestions, the Excise officer might, in our opinion, be the person responsible for the constant and judicious employment of the party to which he is attached, and correspond with your Honourable Board when necessary, and with the proper supervisor respecting seizures. The lieutenant to correspond with the inspector on all matters relative to the conduct and discipline of his party; and, should the Board be pleased to direct that the rewards should be again paid, we would suggest that they should be divided in the following manner, first deducting the expenses incurred for information, and the carriage of malt-stills, spirits, &c. to the seizure stores:—

Excise officer, one-half.
Lieutenant of police, one-fourth.
Serjeant and men, one-fourth.
The Serjeant to receive four shares.

Appendix O.

We beg leave here to observe, that previous to the introduction of the present system, in 1824, neither the lieutenant of police or party received any part of the rewards then granted for still-hunting services, the whole being paid to the Excise officers. The distribution above suggested we think a more equitable one, and likely to stimulate all to exertion, at the same time giving the Excise officer, as the principal, a higher share, that he may have the means of procuring general information (often of great value), which those who know the service, and are liberal, will receive when particular information cannot be obtained.

Some steps should be taken to provide for the additional expense which the proposed measure would, if adopted, create; and also for the present expenditure, which, instead of being paid out of the public revenue, should, in our opinion, be levied on the county, barony or district, where, from the prevalence of illicit distillation, it became unavoidable to employ additional Excise officers and a Revenue Police to suppress it. A precedent for such a measure will be found in the Act of the 59 Geo. 3, c. 98, which authorized the Lord Lieutenant of Ireland, for the prevention and suppression of illicit distillation, to appoint a chief magistrate, whose salary was not to exceed 500 *l.* per annum, with a suitable house, furniture, and out-houses, &c.; a chief constable at 150 *l.* per annum, and not "more than 50 sub-constables at 50 *l.* per annum each for any one barony, half-barony, or for any county of a city or county of a town, or for any district of less extent." The Act also authorized the money to be advanced out of the Consolidated Fund for defraying the salaries, and all other costs and charges arising from such appointments, and for providing horses, saddles, &c., as occasion may require.

Sec. 11.

The Act, however, allowed the Government to claim one-half only of the expense thus incurred, which the grand jury of the county were authorized to present, and to be raised off the barony, half-barony or other district for which such establishment of police had been appointed; and to ensure the prompt payment thereof, the judge was precluded from fiating any other presentment at the assizes until the moiety of the expense claimed had been first presented.

The laws for imposing fines on town-lands, for illicit distillation then in force, were, by the above-mentioned Act, continued until the last day of the summer assizes in the following year (1820), and they were then to cease and determine. And it further provided that, where a police magistrate was appointed for the purposes of the Act, no fine should be imposed for illicit distillation on any town-land situate within any county, city, barony or other district for which such magistrate had been appointed.

The fines on the town-lands for illicit distillation ceased at the time fixed by the Act, but the other provisions for appointing a magistrate of police, chief and sub-constables, and for levying a moiety of the expense incurred thereby, were never put in force, although they were proposed as a substitute for these fines.

It is unnecessary to occupy the time of the Board in detailing the beneficial effects that measure produced in the suppression of illegal distillation in Ireland (even when the duty on spirits was about 5 *s.* 4½ *d.* per gallon), although every difficulty was thrown in the way of those who had to carry that law into effect, by the land-holders and gentry. But, notwithstanding the efficiency of the town-land fines, any attempt to revive them would, we apprehend, meet with irresistible opposition; and we therefore think they cannot again be resorted to; at the same time we fear that nothing short of that measure will ever effectually suppress illicit distillation in Ireland. As however that part of the 59 Geo. 3, which authorized the employing a magistrate and constables to prevent illicit distillation, and for levying a moiety of the expense incurred thereby on the guilty district, originated with, or was agreed to by those persons who were opposed to the town-land fines; and, as a substitute for them, as already stated, they could not now reasonably object to a revival of this part of the Act. The power, however, of appointing inspectors, officers and police, instead of magistrates and constables, or of confirming those already appointed in their present offices, should be vested in your honourable Board, and the entire, instead of a moiety, of the expense of paying, clothing, lodging, &c., and rewarding them, levied off the district in which, from the prevalence of illicit distillation therein, it became necessary to employ them. The precedent being in part established by the Act, the detail of the measure could be easily arranged if approved by the Government.

We have the honour to be your very obedient, faithful servants,

(signed) DANIEL LOGIE, JAMES STEEL, } Surveying General Examiners.

Since writing the above we have seen the report of Mr. Plunkett, inspector of police, dated the 25th of December last, with your honourable Board's representation to the Lords of the Treasury thereon. The measures suggested by Mr. Plunkett would no doubt prove salutary; but we fear the very name of a fine on the town-land, no matter in what form it is proposed, would rouse all the parties that were formerly hostile to that measure to oppose it. If, however, the measure can be carried, it will, we think, be effectual.

With respect to the expense of the Revenue Police, we beg leave to state that we would prefer its being sought for by a direct enactment, rather than wait the probability of their being united with the peace-preservation force, and thus seeking a moiety of the expense in an indirect way; however, the sanction of Parliament would, we presume, be necessary for either measure.

(Submitted by) DANIEL LOGIE, JAMES STEEL, } Surveying General Examiners.

19 August 1833.

Appendix P.

Appendix P.

My Lord, Belfast, 29 July 1853.

I have been instructed by the President of the Chamber to inclose you a list, showing the Comparative Prices of Barley and Oats at four different periods of each year, from 1840 till 1853. There is not a Table showing the average price of the year. You will please observe, that the prices are quoted per cwt. of 112 lbs.: the grain in the market is sold per cwt.

I am, &c.

Right hon. Lord Monteagle, &c. &c. London.

(signed) Samuel Vance, Secy.

Comparative Prices of Barley and Oats at four different Periods of each Year, from 1840 till 1853.

YEAR.	BARLEY.				OATS.			
	1 January.	1 April.	1 July.	1 October.	1 January.	1 April.	1 July.	1 October.
	s. d. s. d.	s. d. s. d.	s. d. s. d.	s. d. s. d.	s. d. s. d.	s. d. s. d.	s. d. s. d.	s. d. s. d.
1840	8/6 - 11/3	8/– - 9/6	8/– - 9/–	6/– - 7/5	7/– - 8/10	7/6 - 9/6	9/– - 10/–	5/9 - 7/4
1841	6/– - 7/6	6/9 - 7/9	7/9 - 8/6	7/– - 8/6	6/– - 7/2	6/6 - 7/6	6/4 - 7/–	5/– - 7/2
1842	7/6 - 9/	7/9 - 9/–	7/9 - 9/–	5/6 - 6/6	4/6 - 7/3	6/– - 7/6	7/– - 8/–	4/4 - 5/6
1843	4/3 - 5/6	6/– - 6/6	7/9 - 9/11	5/3 - 6/6	4/6 - 5/5	4/6 - 5/5	5/7 - 6/–	4/4 - 5/4
1844	6/6 - 7/4	7/6 - 8/–	8/– - 8/6	6/– - 7/–	5/– - 5/11	6/– - 6/6	6/6 - 7/–	4/6 - 5/8
1845	6/– - 7/6	6/6 - 7/6	6/6 - 8/–	6/– - 7/6	6/– - 6/11	6/– - 6/10	6/8 - 7/–	6/6 - 7/6
1846	7/6 - 8/9	7/– - 8/–	8/– - 8/6	7/6 - 8/6	8/9 - 9/3	7/8 - 8/9	8/– - 9/–	8/4 - 9/6
1847	10/6 - 12/–	12/– - 14/–	11/– - 12/–	7/– - 7/6	11/– - 12/2	11/– - 13/6	10/6 - 11/9	6/3 - 7/3
1848	6/6 - 7/6	6/– - 7/–	7/6 - 8/–	6/6 - 8/–	6/6 - 7/2	6/– - 6/9	6/3 - 7/–	6/– - 7/–
1849	5/– - 7/3	6/– - 6/6	6/9 - 7/6	4/4 - 5/6	5/3 - 6/3	5/6 - 6/6	6/8 - 7/8	4/9 - 6/–
1850	4/4 - 5/6	5/– - 5/8	5/6 - 6/–	4/6 - 5/6	4/4 - 5/3	5/6 - 6/–	6/3 - 7/–	4/– - 5/6
1851	4/6 - 5/9	5/– - 5/8	6/– - 7/–	5/– - 6/–	4/6 - 5/10	5/4 - 6/–	6/6 - 7/6	4/10 - 6/2
1852	5/– - 6/6	6/– - 6/6	6/6 - 7/–	5/– - 5/6	4/10 - 6/6	6/3 - 7/–	6/3 - 7/–	4/10 - 5/10

The above prices have been extracted from W. D. Henderson's Weekly Circular; prices quoted per cwt. of 112 lbs.

Chamber of Commerce, Belfast, 29 July 1853.

Samuel Vance, Secy.

Appendix Q.

Appendix Q.

My Lord, Londonderry, 1 August 1853.

I HAVE the honour to enclose the accompanying List of Prices of Oats, &c., pursuant to the requirements of your note, and

Have the honour to be, &c.

Lord Monteagle, House of Lords.

(signed) GEORGE FOSTER, Mayor.

RETURN of the Annual Average Prices of OATS and BARLEY at LONDONDERRY, from 1840 to 1852 inclusive.

GRAIN, PER CWT.

YEAR.	OATS.		BARLEY.	
	s.	*d.*	*s.*	*d.*
1840 - - -	9	6	9	6
1841 - - -	6	8	8	–
1842 - - -	7	7	8	3
1843 - - -	6	–	6	9
1844 - - -	6	9	8	1
1845 - - -	6	6	7	2
1846 - - -	8	2	8	3
1847 - - -	11	1	9	6
1848 - - -	6	10	7	9
1849 - - -	7	–	6	10
1850 - - -	6	10	5	9
1851 - - -	7	–	6	6
1852 - - -	6	10	6	9

30 July 1853.

JAS. CAIRNS.

APPENDIX R.

Appendix R.

My Lord, Galway, 3 August 1853.

UNDER the impression that it might be useful to supply the information your Lordship requires regarding the Average Prices of Oats and Barley here, if not as authoritatively as would be desirable, at least in the best way we can, I hereby forward a List of Prices, which our principal merchant, Mr. P. M. Lynch, has kindly supplied from his own books. We trust it may serve the no doubt useful purpose your Lordship has in hand.

I have, &c.

The Right Hon. Lord Monteagle, &c. &c.

(signed) RICHARD DOHERTY.

GALWAY MARKET NOTE.

Prices of BARLEY, from January 1840 till

	s.	d.	
1840	14	6	per Barrel.
1843	10	9	ditto.
1844	14	–	ditto.
1845	16	6	ditto.
1846	16	–	ditto.
1847	10	6	ditto.
1848	14	–	ditto.
1849	10	–	ditto.
1850	12	–	ditto.
1851	12	6	ditto.
1852	13	–	ditto.

Price of OATS.

	d.	
1840	9	per Stone.
1841	8½	ditto.
1842	6½	ditto.
1843	5¾	ditto.
1844	7¾	ditto.
1845	9	ditto.
1846	10½	ditto.
1847	7½	ditto.
1848	7	ditto.
1849	6	ditto.
1850	6½	ditto.
1851	7¾	ditto.
1852	8	ditto.

Appendix S.

Appendix S.

My Lord, Sligo, 4 August 1853.

Your Lordship's letter of 27th July, addressed to the President, Chamber of Commerce, Sligo, requesting a return of the Average Annual Prices of Oats and Barley in the Sligo market was handed to me, there being no such body as the Chamber of Commerce in Sligo.

I now beg to inclose the return required, and should have done so sooner, only there being no record kept of the prices in the Sligo market, I was obliged to procure the information required from the merchants.

I have, &c.

Lord Monteagle,
Westminster, London.

(signed) Thomas R. Wilson,
Honorary Secretary to the Sligo
Commercial News Room.

A RETURN of the Average Annual Price of Oats in the Sligo Market, from 1840 to 1852 inclusive.

Per Sack of 24 Stone.

	s.	d.
1840, average Price per Sack -	20	6
1841 - - ditto - -	18	3
1842 - - ditto - -	15	6
1843 - - ditto - -	14	–
1844 - - ditto - -	15	9
1845 - - ditto - -	19	6
1846 - - ditto - -	26	–
1847 - - ditto - -	27	–
1848 - - ditto - -	17	–
1849 - - ditto - -	17	–
1850 - - ditto - -	14	6
1851 - - ditto - -	14	–
1852 - - ditto - -	15	–

Oats are bought by the sack, containing 24 stone, in the Sligo market.

A RETURN of the Average Annual Price of Barley in the Sligo Market, from 1840 to 1852 inclusive.

Per Stone.

	s.	d.
1840, average Price per Stone -	–	8
1841 - - ditto - -	–	10
1842 - - ditto - -	–	7
1843 - - ditto - -	–	8
1844 - - ditto - -	–	8½
1845 - - ditto - -	–	10½
1846 - - ditto - -	1	4
1847 - - ditto - -	–	8½
1848 - - ditto - -	–	9
1849 - - ditto - -	–	7½
1850 - - ditto - -	–	8½
1851 - - ditto - -	–	8¼
1852 - - ditto - -	–	9¼

Barley is bought by the stone in Sligo market.

Appendix T.

Chamber of Commerce, Dublin,
16 August 1853.

My Lord,

Herewith I have the honour to transmit to your Lordship an account of the Average Prices of Oats and Barley in this market for the 12 years ending 30th July 1852, and the Tables on which these results are arrived at, namely, the Prices and the Average Prices of these articles on each of the two market-days per week during that period.

Your Lordship will perceive that I have commenced the year on the 1st August, and closed it on the 31st July: I have done this because that period most accurately represents the corn season.

Your Lordship may rely on the correctness of these returns; and I shall be most happy to supply any further information which you may desire.

I have, &c.
(signed) Francis Codd,
Hon. Sec.

Right Hon. the Lord Monteagle,
&c. &c. &c.

Average Prices of Oats at the Dublin Market for Twelve Years ending 30th July 1852.

Per Barrel of 14 Stone and 2 lbs.

	s.	d.
Year ending 30th July 1841 -	12	4
Ditto - 29th „ 1842 -	12	1
Ditto - 28th „ 1843 -	9	11
Ditto - 30th „ 1844 -	9	9
Ditto - 29th „ 1845 -	11	2
Ditto - 30th „ 1846 -	13	9
Ditto - 30th „ 1847 -	19	3
Ditto - 28th „ 1848 -	12	1
Ditto - 31st „ 1849 -	11	7
Ditto - 30th „ 1850 -	10	4
Ditto - 29th „ 1851 -	10	1
Ditto - 30th „ 1852 -	11	4

Average Prices of Barley at the Dublin Market for Twelve Years ending 30th July 1852.

Per Barrel of 16 Stone and 2 lbs.

	s.	d.
Year ending 30th July 1841 -	14	11
Ditto - 29th „ 1842 -	16	2
Ditto - 28th „ 1843 -	12	7
Ditto - 30th „ 1844 -	15	4
Ditto - 29th „ 1845 -	15	8
Ditto - 31st „ 1846 -	15	–
Ditto - 30th „ 1847 -	24	3
Ditto - 28th „ 1848 -	15	4
Ditto - 31st „ 1849 -	15	–
Ditto - 30th „ 1850 -	11	7
Ditto - 29th „ 1851 -	12	6
Ditto - 30th „ 1852 -	13	3

APPENDIX U.

Appendix U.

MEMORIALS against the Employment of the CONSTABULARY POLICE in the Suppression of the illicit Traffic in Spirits in IRELAND.

WE, the High Sheriff and Grand Jurors of the county of Donegal, assembled at Summer Assizes 1853, feel it to be our duty to protest, in the strongest manner, against the contemplated employment of the constabulary police in the suppression of the illicit traffic in spirits.

We are confident that the employment of this force in that demoralizing service, in conjunction with the revenue police, whose discipline is so inferior to the constabulary, would be certain to materially impair the efficiency of this excellent force, whose admirable discipline is mainly attributable to their being strictly confined to their own duties. The preservation of the peace, without being mixed up in the discharge of those of an unpopular and irregular character, and subjected to conflicting and uncertain authority; and we are certain that the bringing of it into hostile collision with the people, will shake that well-grounded confidence and respect with which it is regarded by all classes of the community in the maintenance of the public peace, and the suppression of outrage.

It is also certain that their employment in revenue duty must render it impossible for them properly to discharge their own, the constabulary force for this county having already proved so inadequate as to render it necessary, for many years, to employ (at the cost of the county) 50 men above the statutable number allowed to it, and which has recently been increased by several augmentations in the proclaimed portions of the county, and involving a local taxation of above 2,000 *l.* per annum, our present force being 352, and our statutable number only 176.

We feel convinced of the soundness of those opinions, from our own experience as magistrates, of the relative discipline and conduct of the two forces; and are further confirmed in them by the extreme care with which each successive Government, from the original constitution of the force up to this moment, has studiously guarded against the employment of the constabulary in matters connected with revenue, rent, game laws, tithes, or other fiscal matters, except on sworn information, and then only for the preservation of the peace for the moment.

We would, therefore, respectfully urge those views upon the attention of the Committee of the House of Lords, to whom this matter has been submitted for investigation, in full confidence that their Lordships will not lightly recommend any innovation in the management and employment of a force which has been ever the admiration of all, and has protected Ireland in periods of great difficulty from anarchy and confusion.

ALEX. J. R. STEWART, High Sheriff, County Donegal.
J. STEWART, Bart., Vice Lieutenant, Foreman, G. I.
THOS. BROOKE, J. P. D. L.
ROBT. BATESON, Bart., J. P.
JOHN HARVEY, J. L. & J. P.
JAS. S. DOUGHERTY, J. P.
JAMES HAMILTON, J. P.
ALEX. HAMILTON, J. P.
GEORGE A. HILL.
WY. ————, J. P. & D. L.
J. JOHNSTON, J. P.
GEORGE KNOX.
J. E. WOOD, J. P.
G. V. WILSON, J. P.
JOHN BEERS, J. P.
D. W. S. RUSSELL.
THOMAS BATTYS, J. P.
JOHN VANDELEUR STEWART, J. P. & D. L.
BENJ. G. HUMFREY, J. P.
WM. YOUNG, J. P.
W. D. HUMPHREYS, J. P.
GEO. GENTWAY, J. P.
H. BOURN, J. P.
H. SINCLAIR, J. P.

To his Excellency the LORD LIEUTENANT of IRELAND.

WE, the High Sheriff, Foreman and Grand Jury of the city and county of Londonderry, assembled at Summer Assizes 1853, beg to approach your Excellency with an expression of our deep regret at the prospective employment of the constabulary force in the repression of illicit distillation. As magistrates, we have formed our opinion that the high character borne by that efficient force will be prejudicially affected by the introduction of duties hitherto carried out by another branch of the public service; and we feel bound to recommend the avoidance, in the employment of the constabulary force, of everything having a demoralizing or unpopular tendency. This appeal, which we have considered necessary to present to your Excellency's attention, has been unanimously adopted, on a grave consideration given to the case, and founded upon our united experience, in the hope that such measures will be taken, under your Excellency's direction, as will afford the best security for public order and tranquillity, and will preserve unimpaired the confidence of the public in that effective force, whose conduct and character have rendered such beneficial services to the community at large.

For Self and Fellows,
(signed) THOMAS BATESON,
Foreman.

Grand Jury Room, Londonderry,
25 July 1853.

Appendix V.

Appendix V.

EXTRACT from General Orders for the Guidance of the Troops in affording Aid to the Civil Power, and to the Revenue Department in Ireland.

By Order of the Right Honourable
Lieut.-General Sir Edward Blakeney, K.C.B.,
Commanding the Forces.

Thos. E. Napier, Dep. Adjt.-General.

Adjt.-General's Department, Dublin,
1 March 1845.

AID TO THE REVENUE.

1. Officers in command of Regiments and Out Quarters are to afford the most prompt aid to the Revenue, whenever they may be called upon by any officer of that department, duly authorised under a legal Writ of Assistance.

2. The Revenue officer must be required on such occasions to produce his Writ of Assistance, and to give the best information in his power as to the distance the troops will be called upon to march, as well as to the time it is likely they will be absent from their quarters, which, unless in cases of unavoidable emergency, ought not to exceed a period of twenty-four hours. It is essential, however, that every information regarding the destination of the parties should be guarded by the military with strict secrecy; and if it shall be found necessary by the Revenue officer to detain the troops longer, or to march them farther than was originally announced to be his intention, the officer must comply; reporting, however, any circumstances of this nature to Head Quarters, through the regular channel, in order that inquiry may be instituted into the cause of any extraordinary detention.

3. Upon no account whatever is any party to proceed upon Revenue duty, unless under the command of a commissioned officer, and all such parties must be of sufficient strength to preclude the risk of their numbers proving inadequate to the performance of the duties in which they may be called upon to assist; the commanding officers at the stations where the parties are furnished, will regulate their extent, after communicating with the officer of the Revenue calling for the aid of the military.

4. As requisitions are occasionally made by Revenue officers for military parties to escort whisky from one place to another, a communication has been made by Government to the Commissioners of Excise, expressing the Lord Lieutenant's opinion, that the troops should be spared on such occasions as much as possible, and that instructions should be given to the Revenue officers to call for their aid only in cases of emergency.

5. Instances having occurred in which the military have been called upon to confine and take charge of prisoners accused of crimes against the Revenue, the law Counsel of Government have given their opinion that the military should not be employed in duties of this nature, the proper place for the committal of a prisoner being the county gaol, and not a military barrack.

6. The troops must, in case of resistance, be careful on no account to resort to the use of their arms, unless they shall receive positive and explicit orders to that effect from the Revenue officer attending the party; and they are never, whilst employed on duties of this nature, to quit their arms to assist in destroying the materials that may be seized.

7. Officers in command of parties will be held responsible that their men shall not be divided or dispersed under any pretence whatever, even if the Revenue officer should require such dispersion; but this order is not to be understood as prohibiting officers from affording the most effectual assistance in accomplishing the object in view, provided the men are in no instance suffered to be sent beyond call of each other, or to be placed in situations where, in case of emergency, the whole party would be prevented from immediately acting together.

8. As any officer of the Revenue who shall unnecessarily harass the troops is liable to severe penalties, it is the Lieutenant-general's desire, that if any such circumstance shall take place, a report of the case shall be made, through the regular channel, to him, in order to its being laid before Government; and, in the event of the Revenue officer absenting himself from the party, the officer commanding it is immediately to march back his men to quarters, reporting the circumstance in like manner for the Lieutenant-general's information.

9. Upon the return to quarters of any party which may have assisted in making seizures, the officer commanding it is to procure from the Revenue officer by whom the party was attended,

Appendix V.

attended, a certificate of the extent of the duty performed; and a Return, according to the annexed Form,* signed by the officer commanding the regiment furnishing the party, must be transmitted to the Honourable Commissioners of Excise, London, on or before the 10th of the month following that in which such services shall have been executed.

10. In addition to the most exemplary punishment which any instance of irregularity or neglect on the part of the troops will inevitably bring upon the offenders, steps will be taken, in any such case, for withholding the payment of the rewards usually granted to the military, in remuneration of the tear and wear of their appointments, &c., whilst engaged in Revenue services.

11. An extract is hereunto annexed† of such part of the Instructions issued by the Commissioners of Excise to the officers of their department, as are in any way connected with the duties of the military.

12. All Reports to Head Quarters, under these Regulations, are to be addressed to the Military Secretary, Royal Hospital, Dublin.

13. It having been deemed highly important that the troops, when acting with officers of Revenue in support of the Excise, should be fully aware under what circumstances alone they are justified in law to have recourse to the use of their arms, to prevent the escape of prisoners committed to their custody by officers of the Revenue, the subject was submitted by order of Government to the Attorney-general, whose opinion thereupon is subjoined for the information and guidance of all officers and non-commissioned officers commanding detached parties from the Head Quarters of their respective corps.

Opinion.

" Under the 48th of the King, c. 81, s. 17, Revenue officers are empowered to arrest " persons found in any place where an illicit still shall be found, which would subject the " townland where found to a fine, and to bring such persons before a Justice of the Peace; " consequently, the military acting under their orders, and in their aid, will be justifiable " in the necessary detention of such persons for the purpose of bringing them before a " Justice of the Peace; but neither the Revenue officer nor the military acting under him " can be justifiable in firing on such persons who may fly or attempt to escape. But if, " being in actual custody, they should attempt by force to rescue themselves, the officer " and his assistants may oppose force to force, but cannot justify firing on the party flying."

10th April 1818. (signed) William Saurin.

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* Form in General Orders of the 1st March 1845.

Return of Revenue Services performed by the Regiment, in the Month ending the day of 18 .

Strength of the Party.								Date of Service.		No. of Hours employed.	Amount of Subsistence received.	Service performed.								Description of other Seizures not included in the Columns.	Names of the Revenue Officers by whom the Parties were called for, and attended.	Observations.
												Black Pots.	Stills.		Heads.		Worms.		Seized.			
Captains.	Subalterns.	Serjeants.	Corporals.	Drummers.	Privates.	Horses.	Month.	Day.				Copper.	Tin.	Copper.	Tin.	Copper.	Tin.	Gallons of Spirits.	Barrels of Malt.			
											£. s. d.											

N. B.—This Return is to be made for all services from the first to the last day of each month inclusive, and addressed, on or before the 10th of the ensuing month, " To the Honourable Commissioners of Excise, London." The upper part of the superscription is to state these words, viz., " Military Return of Revenue Services."

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† Extract of Instructions issued by the Commissioners of Excise to certain Officers of the Revenue, in General Orders of the 1st March 1845.

The Board having reason to believe that in some instances their former Order of the 6th of March 1786 has not been sufficiently attended to, they therefore hereby renew the same, with an addition as to the production of the Writ of Assistance.

" The

" The Board having by several Orders, but in particular those of the 21st April, 4th of " September and the 19th of November 1784, directed that their officers should be " extremely careful that their informations be well founded, and that they have a fair " probability of success before they require the aid of the army, nor call for such assistance " unless there should be a real necessity for it," and that they are actually in possession of a Writ of Assistance, which they are in the first instance, and without hesitation, to produce to the military officer at the time of such application; " that they should not on any " account undertake marches with infantry beyond what their strength will bear, and " examine attentively all informations, and see that they be reasonably founded before they " trust their writs to an inferior officer; that they should be very careful of their conduct " when employing the army, and not quit them until the whole of the expedition should " be completed; and the Board finding, notwithstanding such injunctions, that frequent " instances have since happened where the officers have not conducted themselves according to " the said Instructions in the execution of this business, from which much inconvenience has " ensued, owing in great measure to Surveyors and other principal officers, instead of acting " themselves, as was the intention of the law, delegated their writs to inferior officers, who " have neither discretion nor conduct fit for such important services;

" The Board desire you will again peruse and communicate said Orders to all the officers " of your district, for the government of their conduct, and acquaint them, that the Board " will not in any instance overlook any misconduct in a business of so serious and important " a nature as employing the Army under the Writ of Assistance; that those officers who " are legally vested with the power of using such writs are, upon all well-grounded inform- " ations, where the aid of the military becomes essentially necessary, to call upon such " assistance themselves in person, and not delegate their writs to inferior officers but when " they are absolutely unable to attend themselves; and, also, where the informations " appear well founded, and that there can be a proper dependence placed upon the discretion " of the officer to whom the writ is delegated, the Board considering the person delegating " as responsible for the conduct and consequence of the measure, as well as for the credibility " of the information.

" The Board cannot admit of any excuse for an officer deserting the party until the whole " of the service be completed; and they direct that you give a copy of this Letter to each " and every officer in your district, and at the same time assure them that their departing " from these or their former instructions will be attended with the strong displeasure of the " Board.

" The Writ of Assistance is never to be made use of by any officer under the degree of " a Surveyor, unless such officer shall have a written order, signed by an officer at least of " the degree of a Surveyor.

" When you deliver the writ with an order for using it to any inferior officer, care must " be taken to note the same on the back of the writ, or to have the same noted thereon by " some person not likely to be concerned in any transaction that may possibly happen in " consequence thereof, so that there may be proof on any necessary occasion of the delivery " of the writ, because, if opposition should be made to the Revenue officer in the execution " of his duty, and a life be lost in consequence thereof, the person or persons who may be " indicted cannot be examined, and therefore proof may be necessary of the delivery of " the writ, or that it was in possession of the officer before the transaction, and the " demand made by the Revenue officer under the authority of the writ, for the aid of the " Army, is also to be witnessed in such manner."

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I.

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2. *Establishment and Cost of Maintenance.*
3. *Re-organization of the Force.*
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1. *Revenue Police:*

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REPORT

FROM THE

SELECT COMMITTEE

ON

CROWN FORESTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1854.

Lunæ, 8° *die Maii*, 1854.

Ordered, That a Select Committee be appointed to inquire into the present Management and Condition of the Crown Forests in England, with a view of ascertaining the Responsibility of the present Commissioners; and whether it would be for the Public Interest that some of the smaller Forests should be Sold, as being unfit for the Growth of Timber for Her Majesty's Navy.

Veneris, 12° *die Maii*, 1854.

Committee nominated of,—

Mr. Drummond.	Mr. Portal.
Lord Edward Howard.	Mr. Evelyn Denison.
Colonel Clifford.	Mr. Chichester Fortescue.
Mr. Vernon Smith.	Mr. Brand.
Mr. Compton.	Sir William Heathcote.
Lord Harry Vane.	Mr. Tollemache.
Mr. Fitzgerald.	Lord Hotham.
The Earl of Shelburne.	

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Lunæ, 17° *die Julii*, 1854.

Ordered, That the Committee have power to Report their Observations, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to Inquire into the present MANAGEMENT and CONDITION of the CROWN FORESTS in *England*, with a view of ascertaining the RESPONSIBILITY of the present COMMISSIONERS, and whether it would be for the Public Interest that some of the smaller FORESTS should be Sold, as being unfit for the Growth of Timber for Her Majesty's Navy:——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

1. THAT the management of timber extends over the whole period of its growth from seed to maturity; and since the same intelligence is required to preside uniformly over every stage of its progress, and it is longer coming to perfection than the duration of the life of one man, it is everywhere worse managed than any other species of property. Except in the Forest of Dean and the New Forest, there is scarcely any timber at present of sufficient age for Navy purposes; nor is there likely to be for many years to come. The Forest of Dean, which lately contained 22,000 loads, now contains only 4,000. The Forests of Alice Holt, Woolmer, and Delamere contain none. The Forests of Hainault and Epping have long since ceased to bear timber, and are now devoted to agriculture. In the New Forest, out of 2,635 loads felled, consisting of 3,115 trees, only 936 loads were accepted by the Surveyor of the Navy; so large is the proportion of faulty to sound trees. 12. 32. 173. 970.

2. With regard to Delamere Forest, the Committee feel themselves bound to report that its condition is most unsatisfactory; the soil is very variable, and is, in a large portion of this forest, poor and unproductive. Nor has the management, in the opinion of the Committee, been judicious, and it appears to have been in the hands of persons incompetent for the duty.

3. As regards the condition and management of the New Forests and Dean Forest, the Committee have not had sufficient evidence before them to enable them to offer a complete Report to The House; and the advanced period of the Session has seemed to render it undesirable to prolong the inquiry. With reference to the smaller forests of Alice Holt and Bere, the Committee agree with the opinion expressed by the referees appointed by the surveyor, to report on their condition. The evidence adduced to the Committee leads them to the conclusion that the management, by the present surveyors, has been satisfactory and judicious. These forests seem to be calculated, after some years, when the timber has arrived at its proper maturity, to become most valuable properties, and the Committee are not prepared to recommend that they should be sold.

4. The evidence as regards Parkhurst is of a different character. It appears to the Committee that although the condition may not be on the whole satisfactory, the management of this forest, for the last six years, has been judicious; and the Committee are of opinion that it would not be for the public interest that it should be sold.

5. The nature of Woolmer Forest is very different from the preceding, and from the want of soil fitted to grow timber, and other circumstances, the question is raised whether it might not be for the interests of both the Crown and the public to sell it.

6. But having regard to the frequently great and sudden increase in the value of land of whatever quality in certain situations, care should be taken that no part of the forests be disposed of by sale without the fullest consideration of all the circumstances, and of their possible ultimate value; and that in cases where it is advisable to disafforest, care should be taken prospectively to secure the greatest possible acreage.

7. With regard to the forests generally, it appears that the thinning and cutting of the timber is not always regulated by what is most for the advantage of the forests, but that the requirements of the Navy have entered into the consideration of the quantity to be cut in any particular year; this Committee is, however, of opinion that it would be better for the interests of all concerned, that the timber which is ripe, and more especially that which is deteriorating, should be cut with all convenient speed and disposed of to the Navy if suitable, and if not, to other persons.

690. 1462. 1699. 34. 8. With respect to the present condition of the forests, it appears that there is considerable difference of opinion as to whether the soil of a large portion is or is not adapted to the growth of oak. Whether it be expedient in such situations to plant one description of tree rather than another is a question dependant on local, and often on temporary demand, and which can be determined only by a judicious planter on the spot, and Your Committee think it well worthy of the most serious consideration whether legislation has not made it too generally and strictly an obligation to produce oak timber, qualities of soil, local markets, and other circumstances pointing, in certain situations, to a different description of tree as a far more profitable source of revenue, and more worthy of adoption.

9. It requires great knowledge in the deputy surveyors to determine certain points in the rearing of timber. In poor sand, oaks and almost all plants will spring up with great rapidity, but they will begin to decay before they attain any great size; if, however, there is clay under the sand, the trees will become large in proportion to the quantity and quality of that clay.

10. With respect, also, to more or less thinning, there will be always difference of opinion, because some planters will endeavour to rear tall and straight timber, whilst others will aim at shorter and thicker trees.

54, 55. 11. Recommendations have been lately made to adopt methods of felling and stripping oak trees, and of drying bark, founded upon the practice of Scotland, where there is comparatively little of such timber, and which are at variance with those ascertained to be preferable, by greater experience, in the south of England. The former plan is recommended by a single authority from Scotland not acquainted with the superior practice in England; the latter by all the most extensive proprietors and managers of woodland property.

951. 1350. 1368. 12. A sawing-mill has been lately erected in the Forest of Dean, with a view of testing the propriety of establishing the same in other places. This must depend upon local circumstances: a portable sawing-mill can only be employed for timber of small scantling; and if intended for large timber, it would be difficult, on deep clay soils, to move the timber to the mill, which must then be a fixture. As ship and boat builders are alone competent judges of what is best adapted for their own purposes, it would be wrong under any circumstances to attempt to convert crooked or knee timber. The price of coals, the available extent of water power; the demand for staves, lathes, uprights or props for mines, &c., are also points to be considered, on which a person of practical and local knowledge is alone competent to give a sound opinion.

13. Although the Committee consider that it is not within their order of reference, still they consider it due to Mr. Kennedy to state that, though his proceedings may be open to objection, he has evinced much zeal, energy, and vigilance in the execution of his office.

14. The

14. The division of responsibility between the Commissioners and the Treasury, established by the 14 & 15 Vict. c. 42, has not worked well. A Surveyor-general of practical experience, the appointment of whom is provided for by the twelfth section of the said Act, should have the superintendence of the whole of the forests, which he should frequently visit, and be responsible for carrying out all necessary details, through competent deputy surveyors under him. These deputy surveyors should also be practically acquainted with forest affairs, and the place of deputy surveyors should not be given, as it sometimes has been, to persons wholly ignorant of the management of woodlands. 95z.

15. Your Committee have not thought it right or necessary to go into any question which has not arisen since the Committee, which sat in 1848, 1849, made its report; because the evidence in that report is very full, the returns voluminous, and the printing very costly.

16. In conclusion, it seems doubtful from the present and all previous inquiries into this species of property, whether the Crown will ever derive a return adequate to its value so long as it is invested in forests in which it is necessary to keep a large staff of officers, and where everything depends upon their intelligence, fidelity, and zeal; but other considerations enter into the question of any different disposition of this property, which are not within the province of this Committee.

17 *July* 1854.

PROCEEDINGS OF THE COMMITTEE.

Jovis, 18° *die Maii*, 1854.

MEMBERS PRESENT:

Mr. Vernon Smith.	Mr. Tollemache.
Lord G. Howard.	Lord Harry Vane.
Mr. Combe Compton.	Colonel Clifford.
Mr. Fitzgerald.	Mr. Portal.
Mr. Drummond.	

Mr. Drummond was called to the Chair.

[Adjourned *sine die*.

Jovis, 15° *die Junii*, 1854.

MEMBERS PRESENT:

Mr. Drummond in the Chair.

Mr. Brand.	Mr. Tollemache.
Mr. Fortescue.	Mr. Portal.
Earl Shelburne.	Colonel Clifford.
Lord Harry Vane.	Lord Edward Howard.
Mr. Evelyn Denison.	Mr. Fitzgerald.
Mr. Compton.	

Mr. *A. Higinbothom* and Mr. *E. Machen* were examined.

[Adjourned to Tuesday, at Twelve o'clock.

Martis, 20° *die Junii*, 1854.

MEMBERS PRESENT:

Mr. H. Drummond in the Chair.

Mr. Vernon Smith.	Lord E. Howard.
Mr. Compton.	The Earl of Shelburne.
Mr. Tollemache.	Mr. Portal.
Mr. Brand.	Lord Harry Vane.
Mr. Evelyn Denison.	

The Committee deliberated.

The Committee examined Mr. *Lipscombe*, Mr. *Corbett*, and Colonel *Tomkinson*.

[Adjourned to Friday next, at Twelve o'clock.

Veneris, 23° *die Junii*, 1854.

MEMBERS PRESENT:

Mr. Drummond in the Chair.

Mr. Brand.	Colonel Clifford.
Earl of Shelburne.	Mr. Brand.
Mr. Evelyn Denison.	Mr. Chichester Fortescue.
Mr. Vernon Smith.	Lord E. Howard.
Mr. Tollemache.	Mr. Fitzgerald.
Mr. Compton.	

The Right Hon. *F. Kennedy* was examined.

[Adjourned to Friday, at Twelve o'clock.

Martis, 27° *die Junii*, 1854.

MEMBERS PRESENT:

Mr. Drummond in the Chair.

Mr. Brand.	Mr. Compton.
Mr. Wilson.	Mr. Chichester Fortescue.
Mr. Evelyn Denison.	Lord E. Howard.
Mr. Tollemache.	Mr. Vernon Smith.
Lord Harry Vane.	

Mr. *Kennedy*'s examination was resumed.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 30° *die Junii*, 1854.

MEMBERS PRESENT:

Mr. Drummond in the Chair.

Mr. Brand.	Earl of Shelburne.
Mr. Wilson.	Mr. Chichester Fortescue.
Mr. Tollemache.	Lord E. Howard.
Mr. Compton.	Mr. Vernon Smith.

The Committee examined Mr. *Paine*, Sir *A. Macdonald*, and Mr. *Marshall*.

[Adjourned to Tuesday, at Twelve o'clock.

Martis, 4° *die Julii*, 1854.

MEMBERS PRESENT:

Mr. Drummond in the Chair.

Mr. Brand.	Lord E. Howard.
Mr. Wilson.	Colonel Clifford.
Mr. Compton.	Mr. Fitzgerald.
Mr. Chichester Fortescue.	Lord Shelburne.
Mr. Tollemache.	Mr. Evelyn Denison.

The Committee examined Mr. *Arbuthnott* and Mr. *Clutton*.

[Adjourned to Friday, at Twelve o'clock.

Veneris, 7° die Julii, 1854.

MEMBERS PRESENT:

Mr. DRUMMOND in the Chair.

Earl of Shelburne.	Mr. Portal.
Mr. Evelyn Denison.	Mr. Vernon Smith.
Mr. Wilson.	Mr. Fitzgerald.
Mr. Compton.	Lord E. Howard.
Mr. Tollemache.	Mr. Chichester Fortescue.

The Committee examined Sir *James Campbell* and Mr. *Comberbatch.*

The Chairman submitted to the Committee a Draft of Report.

The Draft of Report was brought up, read 1°, as follows, and ordered to be printed.

"1. That the management of timber extends over the whole period of its growth from seed to maturity; and since the same intelligence is required to preside uniformly over every stage of its progress, and it is longer coming to perfection than the duration of the life of one man, it is everywhere worse managed than any other species of property. Former Committees have pointed out the injudicious manner in which the trees in the Royal forests have been planted, and the incompetence of the persons appointed to superintend them. It is a natural consequence that, except in the Forest of Dean and the New Forest, there is scarcely any timber at present adapted for the Navy; nor is there likely to be for many years to come. The Forest of Dean, which lately contained 22,000 loads, now contains only 4,000. The Forests of Alice Holt, Woolmer, and Delamere contain none. The Forests of Hainault and Epping have long since ceased to bear timber, and are now devoted to agriculture. In the New Forest, out of 2,635 loads felled, consisting of 3,115 trees, only 936 loads were accepted by the Surveyor of the Navy; so large is the proportion of faulty to sound trees.

"2. It appears that the thinning and cutting of the timber is not always regulated by what is most for the advantage of the forests, but that the Surveyor of the Navy interferes in this part of the management. If no return is looked for from the forests, except a certain portion of timber, such interference may be justified; but as a present return of income is expected, and, above all, since there remains very little timber fit for the Navy, it would be better for the interests of all concerned, that the timber which is ripe, and more especially that which is deteriorating, should be cut forthwith, and the Purveyor for the Navy should apply, like any other customer, for it.

"3. In the New Forest, however, there is another element for consideration, namely, that in the event of its inclosure a much larger portion would fall to the share of the Crown, if the land were well covered with wood of any kind; and as it would be advantageous to the Crown to consent to such inclosure, in order that its officers may give their undivided attention to such parts as would exclusively be apportioned to it, instead of being obliged to watch against encroachments over the whole 66,000 acres, it would not be expedient to cut any timber until that inclosure is effected.

"4. With respect to the present condition of the forests, it appears that there is considerable difference of opinion as to whether the soil of a large portion is or is not adapted to the growth of oak. Whether it be expedient in such situations to plant one description of tree rather than another is a question dependant on local, and often on temporary demand, and which can be determined only by a judicious planter and thinner on the spot, an advantage which the Royal Forests seem seldom to have enjoyed.

"5. It requires greater knowledge than is likely to be found in the deputy surveyors to determine certain points in the rearing of timber. In poor sand, oaks and almost all plants will spring up with great rapidity, but they will begin to decay before they attain any great size; if, however, there is clay under the sand, the trees will become large in proportion to the quantity and quality of that clay.

"6. With respect, also, to more or less thinning, there will be always difference of opinion, because some planters will endeavour to rear tall and straight timber, whilst others will aim at shorter and thicker trees. The propriety of each will depend upon the nature of the soil, and when one course has been entered upon it will not be wise to change it for another.

"7. Recommendations have been lately made to adopt methods of felling and stripping oak trees, and of drying bark, founded upon the practice of Scotland, where there is comparatively little of such timber, and which are at variance with those ascertained to be preferable, by greater experience, in the south of England. The former plan is recommended by a single authority from Scotland not acquainted with the superior practice in England; the latter by all the most extensive proprietors and managers of woodland property.

"8. A sawing-mill has been lately erected in the Forest of Dean, with a view of testing the

the propriety of establishing the same in other places. This must depend upon local circumstances: a portable sawing-mill can only be employed for timber of small scantling; and if intended for large timber, it would be difficult, on deep clay soils, to move the timber to the mill, which must then be a fixture. As ship and boat builders are alone competent judges of what is best adapted for their own purposes, it would be wrong under any circumstances to attempt to convert crooked or knee timber. The price of coals; the available extent of water power; the demand for staves, lathes, uprights or props for mines, &c., are also points to be considered, on which a person of practical and local knowledge is alone competent to give a sound opinion. As a general principle, however, it may be affirmed that it is not expedient that a grower of timber should become for any purposes the converter of timber.

"9. The late Commissioner, Mr. Kennedy, seems to have made a proper distinction between sums expended in gathering in the crop of timber and bark, opening drains, &c., and such as were expended in planting, the latter being capital replacing stock sold. He likewise took efficient measures for repressing the abuse of carrying off the surface of the soil under the pretext of cutting turf for fuel, which is said to have taken place to the extent of 5,000,000 turves per annum, destroying 100 acres; and, in general, he seems to have evinced much zeal in the execution of his office.

"10. It is to be regretted that he sent a stranger of very limited experience to examine and report upon the state of the forest without apprising either the Treasury or the local surveyors; a measure which, as it implied a censure on their conduct, was sure to excite unpleasant feelings, and generate hostility against anything that he might recommend; but Your Committee are convinced that it requires no less energy, activity, and vigilance than were displayed by Mr. Kennedy, to ensure the proper management of the forests, and to suppress abuses as they arise.

"11. The division of responsibility between the Commissioners and the Treasury, established by the last Act, has not worked well, and the law in that respect requires to be altered. One general surveyor, of practical experience, should have the superintendence of the whole of the forests, which he should frequently visit, and be responsible for carrying out all necessary details, through the competent deputy surveyors under him. These deputy surveyors should also be practical woodmen, and the place of deputy surveyors should not be given, as they often have been, to persons wholly ignorant of the management of woodlands.

"12. Your Committee have not thought it right or necessary to go into any question which has not arisen since the Committee, which sat in 1848, 1849, made its report; because that report is very full, the returns voluminous, and the printing very costly.

"13. In conclusion, it seems from the present and all previous inquiries into this species of property, that the Crown will never derive a return adequate to its value so long as it is invested in forests in which it is necessary to keep a large staff of officers, and where everything depends upon their intelligence, fidelity, and zeal. If this property were converted into such an investment as ground-rents in London, there would be little or no deduction for collection, or risk from improper management."

[Adjourned to Wednesday, at Twelve o'clock.

Mercurii, 12° *die Julii*, 1854.

MEMBERS PRESENT:

Mr. DRUMMOND in the Chair.

Lord Shelburne.	Mr. Fitzgerald.
Lord E. Howard.	Mr. Evelyn Denison.
Mr. Tollemache.	Mr. Brand.
Mr. Wilson.	Mr. Vernon Smith.

Motion made, and Question proposed (Mr. *Evelyn Denison*), "That the Draft Report proposed by the Chairman be read 2°." Amendment proposed (Mr. *Compton*), "To leave out all the words after the word 'That,' in order to insert these words, 'Mr. Mathews, Mr. Murton, and Mr. Menzies, be called in, and examined.'" Question put, "That the words proposed to be left out, stand part of the question."

Ayes, 5.	Noes, 4.
Lord E. Howard.	Lord Shelburne.
Mr. Bland.	Mr. Wilson.
Mr. E. Denison.	Mr. Fitzgerald.
Mr. Vernon Smith.	Mr. Compton.
Mr. Tollemache.	

Main question put, and agreed to. Draft Report read 2°, paragraph by paragraph.

Paragraph 1, line 5, Amendment proposed (Mr. *Tollemache*), to omit the words after the word "property," to the word "them" inclusive, line 7. Question, "That the words proposed to be left out stand part of the question," put, and negatived.

Line 8, Amendment proposed (Mr. *Tollemache*), to omit the words, "It is a natural consequence that." Question, "That the words proposed to be left out stand part of the question," put, and negatived.

Line 9, Amendment proposed (Mr. *Wilson*), to leave out the words "at present adapted for the Navy," in order to insert these words, "of sufficient age for Navy purposes." Question put, "That the words proposed to be left out stand part of the question." The Committee divided:

Ayes, 4.	Noes, 5.
Lord E. Howard.	Mr. Brand.
Mr. E. Denison.	Lord Shelburne.
Mr. Vernon Smith.	Mr. Wilson.
Mr. Tollemache.	Mr. Fitzgerald.
	Mr. Compton.

Words inserted.

Paragraph as amended agreed to, and inserted in the Report.

The following paragraphs were brought up (Mr. *Fitzgerald*):

"With regard to Delamere Forest, the Committee feel themselves bound to report that its condition is most unsatisfactory; the soil is very variable, and is, in a large portion of this forest, poor and unproductive. Nor has the management, in the opinion of the Committee, been judicious, and it appears to have been in the hands of persons incompetent for the duty."

"As regards the condition and management of the New Forests and Dean Forest, the Committee have not had sufficient evidence before them to enable them to offer a complete report to The House; and the advanced period of the Session has seemed to render it undesirable to prolong the inquiry. With reference to the smaller forests of Alice Holt and Bere, the Committee agree with the opinion expressed by the referees appointed by the surveyor, to report on their condition. The evidence adduced to the Committee leads them to the conclusion that the management, by the present surveyors, has been satisfactory and judicious. These forests seem to be calculated, after some years, when the timber has arrived at its proper maturity, to become most valuable properties, and the Committee are not prepared to recommend that they should be sold."

"The evidence as regards Parkhurst is of a different character. It appears to the Committee that although the condition may not be on the whole satisfactory, the management of this forest, for the last six years, has been judicious; and the Committee are of opinion that it would not be for the public interest that it should be sold."

The paragraphs were read 1° and 2°, and agreed to.

The following paragraph was brought up (Mr. *Fitzgerald*):

"As regard Woolmer Forest, the evidence before the Committee proves that it at present contains no timber calculated for Navy purposes; that the greater portion is altogether unprofitable, and the soil such that it is not adapted for the growth of timber. The Committee, therefore, think that measures should be taken with a view to its being disafforested, and the Crown receiving an allotment in lieu of its existing rights. They are also of opinion that it is desirable that it should be sold."

Question put, "That the paragraph be read 1°."

Committee divided:

Ayes, 4.	Noes, 5.
Mr. Wilson.	Lord E. Howard.
Mr. Tollemache.	Mr. Brand.
Mr. Fitzgerald.	Lord Shelburne.
Mr. Compton.	Mr. E. Denison.
	Mr. Vernon Smith.

The following paragraph (Lord *Shelburne*) was brought up, and read 1°:

"The nature of Woolmer Forest is very different from the preceding, and from the want of soil fitted to grow timber, and other circumstances, the question is raised whether it might not be for the interests of both the Crown and the public to sell it."

Question put, "That the paragraph be read 2°." Amendment proposed (Lord *E. Howard*), to add at the end of the proposed paragraph these words, "But having regard to the frequently great and sudden increase in the value of land of whatever quality in certain situations, care should be taken that no part of the forests be disposed of by sale without the fullest consideration of all the circumstances and of their possible ultimate value, and that in cases where it is advisable to disafforest, care should be taken prospectively to secure the greatest possible acreage." Question, "That these words be there added," put, and agreed to.

The paragraph and amendment were read 2°.

Motion

Motion made and Question put, "That the paragraph, as amended, be added to the proposed Report." Committee divided:

Ayes, 6.	Noes, 3.
Lord Shelburne.	Lord E. Howard.
Mr. Vernon Smith.	Mr. Brand.
Mr. Wilson.	Mr. Evelyn Denison.
Mr. Tollemache.	
Mr. Fitzgerald.	
Mr. Compton.	

Paragraph 2, read 2°. Amendments made and read 2°, and agreed to. Paragraph as amended, agreed to, and inserted in the Report.

Paragraph 3, negatived.

Paragraph 4, Amendment proposed (Mr. *Tollemache*), last line but one, "To leave out all the words after the word 'Spot,' to the end of the paragraph." Question put "That the words proposed to be left out, stand part of the question."

Ayes, 2.	Noes. 7.
Mr. Evelyn Denison.	Lord E. Howard.
Mr. V. Smith.	Mr. Brand.
	Lord Shelburn.
	Mr. Wilson.
	Mr. Tollemache.
	Mr. Fitzgerald.
	Mr. Compton.

Further Amendment proposed (Lord *Edward Howard*), at the end of the paragraph, to add these words, "And your Committtee think it well worthy of the most serious consideration, whether legislation has not made it too generally and strictly an obligation to produce oak timber, qualities of soil, local markets, and other circumstances, pointing, in certain situations, to a different description of tree as a far more profitable source of revenue, and more worthy of adoption." Question put, "That those words be there added," put and agreed to.

Paragraph as amended, read, agreed to, and inserted in the Report.

Paragraph 5. Amendment proposed (Mr. *Compton*), to leave out in line 1, the word "greater," in order to insert the word "great." Question, "That the word "greater" stand part of the paragraph, put, and negatived; word "great," inserted instead thereof.

Further Amendment proposed (Mr. *Compton*), to leave out the words, "Than is likely to be found." Question put, "That the words proposed to be left out, stand part," put, and negatived.

Paragraphs 6 and 7 read 2°, amended, agreed to, and inserted in the Report.

Paragraph 8 read 2°, and amended by striking out the last sentence.

Question put, "That the paragraphs 6, 7, and 8, as amended, stand part of the proposed Report," put, and agreed to.

Paragraph 9 read 2°. Question put, "That the paragraph stand part of the proposed Report." Committee divided:

Ayes, 4.	Noes, 5.
Lord E. Howard.	Mr. Brand.
Mr. E. Denison.	Lord Shelburne.
Mr. V. Smith.	Mr. Wilson.
Mr. Tollemache.	Mr. Fitzgerald.
	Mr. Compton.

Paragraph 10, negatived.

The following paragraph (Mr. *Tollemache*), was brought up, read 1° and 2°, "Although the Committee consider that it is not within their order of reference, still they consider it due to Mr. Kennedy to state, that though his proceedings may be open to objection, he has evinced much zeal, energy, and vigilance in the execution of his office." Question, "That this paragraph be part of the proposed report," put, and agreed to.

Paragraphs 11, 12 and 13 respectively read 2°, amended, agreed to, and inserted in the Report.

Question, "That this, together with the Minutes of Evidence, be the Report to The House," put and agreed to.

To Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Colonel Tomkinson	Gentleman	Near Chester	1	3 – –	1 1 –	4 1 –
Mr. Corbett	Ditto	Tarporley	1	3 12 6	1 1 –	4 13 6
Sir James Campbell	Officer in Department of Works.	Fareham	1	2 13 10	1 1 –	3 14 10
Mr. Higinbothom	Ditto	Farnham	–	–	–	1 15 –
Mr. Machen	Ditto	Dean Forest	–	–	–	5 11 –
Mr. Lipscombe	Ditto	Delamere, Cheshire	3	4 – –	3 3 –	7 3 –
					£.	26 18 4

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MINUTES OF EVIDENCE.

Jovis, 15° *die Junii*, 1854.

MEMBERS PRESENT.

Mr. Henry Drummond.	Mr. Brand.
Mr. Evelyn Denison.	Mr. Portal.
Mr. Tollemache.	Mr. Fitzgerald.
Lord Harry Vane.	Lord Edward Howard.
Colonel Clifford.	Mr. Vernon Smith.
Mr. Fortescue.	Mr. Compton.
Earl of Shelburne.	

HENRY DRUMMOND, Esq., IN THE CHAIR.

Mr. *Newburgh Higinbothom*, called in; and Examined.

Mr. *N. Higinbothom.*

15 June 1854.

1. *Chairman.*] HOW long have you been Deputy-surveyor of Alice Holt and Woolmer Forests?—Seventeen years, next October.

2. I believe you were not brought up to the management of timber?—Not originally.

3. But you have studied the subject since?—Very much indeed.

4. And you have learned from those who you thought were competent to teach you?—Yes.

5. Can you state what is the present net annual value of those forests, after deducting all expenses of management?—I can state it for 10 years. In 1843-44 the net produce of Holt Forest was 1,620*l.* 2*s.* 1½*d.*; in 1844-45 it was 528*l.* 5*s.* 7*d.*; in 1845-46 it was 1,599*l.* 0*s.* 10*d.*; in 1846-47 it was 1,765*l.* 18*s.* 4½*d.*; in 1847-48 it was 1,240*l.* 0*s.* 1½*d.*; in 1848-49, 996*l.* 4*s.* 11*d.*; in 1849-50, 1,693*l.* 10*s.* 10*d.*; in 1850-51, 699*l.* 4*s.* 7*d.*; in 1851-52, 2,142*l.* 17*s.* 9*d.*; and in 1852-53 there was a deficiency of 9*l.* 1*s.* 7*d.* In this year 85 acres of land adjoining the forest, which had been purchased in the preceding year, were fenced, drained, and partially trenched, at a cost of 278*l.* 3*s.* 4*d.*, and that accounts for the deficiency in that year.

6. What number of acres does Holt Forest consist of?—Until within the last two years there were 1,896 in the whole inclosed, and out of that there are about 30 acres not planted, in the occupation of myself and the foremen, woodmen, &c.

7. Mr. *Brand.*] Can you state the average net proceeds in the last 10 years?—Yes; the average annual income is 1,227*l.* 10*s.* 4*d.* The actual net income per acre for the land under oak is 13*s.* 1½*d.* per acre.

8. *Chairman.*] Are you able to state, from your own knowledge, what would be the value of the land, supposing it were cleared of timber, for agricultural purposes?—Speaking from the value of land in the neighbourhood, such as this, I should say that if it were cleared, with farm buildings, and put into a proper state for farming, it would not let for more than 1*l.* an acre; not 1*l.* round all over; there is some of it on the hills not very good.

9. You say it would be worth 1*l.* an acre after the erection of farm buildings?—Yes, after every requisite was put upon it, and it was put into working condition

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dition for a farm. I should say it would let for between 15 *s.* and 1 *l.* an acre.

10. But supposing there were no farm buildings erected, what would it be worth?—I do not think it would let for a rent equal to what it has produced during the last 10 years. I do not think it would let for 10 *s.* an acre in its present state.

11. Has the greater part of your profit arisen from timber or from copse?—The principal part from the thinnings of the young plantations; there has not been much timber in the forest since I came into it; the greater part of the old timber was cut away, except some trees that were left for ornament in front of where Lord Stowell lived.

12. The old timber was cut before you came there?—Yes, nearly the whole of it; but there has been some cut since I came.

13. To what size does the timber grow in that forest?—Some very large.

14. How many loads to a tree?—The great tree that was in the forest, the tree called the grindstone oak, had, I think, 18 loads of timber; on an average, I should think, from what I saw standing of the old timber, it averaged about a load and a half to a tree.

15. After it gets to the size of about a load and a half, does the timber begin to get faulty?—It depends upon the age of the timber that is left to stand. A good deal of the timber in the forest, when I came, ought to have been cut previously; but it was left chiefly for ornament in front of where Lord Stowell lived; but we have got nearly all that away now.

16. My object in asking the question is to ascertain to what extent the land will grow timber?—The land is capable of growing sound timber to any size; the grindstone oak had from 16 to 18 loads of timber in it; and several trees had three or four loads of timber.

17. What length of stem had that oak before it began to branch?—I do not think it had above 10 feet before it branched.

18. Is there any part of the forest under pasture?—None of the forest belonging to the Crown is pastured by the commoners; they gave up their rights when the inclosures were made.

19. Are the cattle allowed to pasture among the trees?—Yes, latterly they have been. The trees have grown out of their reach, and I recommended, two years ago, that to make profit we might take in grazing cattle into two or three of the inclosures that were fully grown, and we have done so the last two years.

20. Then of course in those parts there is no natural succession of timber?—No; we rather want to get rid of the undergrowth.

21. Why do you want to get rid of the undergrowth?—I think the less undergrowth there is, the more nourishment the land will be able to give to the growth of the timber.

22. Have you ever seen, practically, that the timber has been injured by the underwood under it?—Not injured, but I should think it would be improved if there were no underwood; you might not be able to detect a direct injury by the suckers being allowed to grow, but I think that, like any other crop, the cleaner the timber is kept, the better.

23. But you have never made any observations so as to be certain of the fact?—There is a part of the forest that is completely clear, and the trees grow better there than they do where the underwood is thick.

24. Does not the timber always kill the underwood?—After a certain time; where the trees are getting larger in one part the underwood is getting less.

25. Less and less every year?—It will be so, no doubt.

26. Is the quantity of timber in the forest greater now than it was when you first took the management, as to the number of trees, and as to the size of them?—It is less as to the number of trees standing, but there is more timber; there is a greater quantity of timber in the forest than when I came, but the trees are fewer in number.

27. Are the forests divided into distinct portions, say into five parts or ten parts, one of which is thinned every year?—They are divided into inclosures. The plan upon which I went in the thinning was this: I generally took half of each inclosure, as it required to be thinned; so that I came pretty nearly every second year through the whole. I have here a map of the forest (*producing the same*).

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28. Mr. *Tollemache.*] Is this forest all in Hampshire?—All in Hampshire.

29. *Chairman.*] Does not it run into Surrey at Farnham?—It is near Farnham.

30. Is each one of those inclosures thinned in turn?—Half of them; I generally begin, and go over half of each inclosure; the part which I thin this year I omit next year; so that the whole forest is generally thinned every second year, if it is necessary; I go over half at a time each year.

31. Have you ever been required by the Office of Woods to cut down a larger quantity of timber than you judged necessary for the regular thinnings?—No.

32. Did I rightly understand you as saying that there is not a great deal of very first-sized timber in the forest?—There is very little old timber; the revenue is derived altogether from the thinnings of the forest.

33. The referees appointed by the Treasury state in their report, that the Abbot's Wood and Glenbervie inclosures are not fit for the growth of oak; do you agree in that opinion?—I believe they only mean parts of them. Some parts of them are as good oak land as any in England.

34. They say, "There are small districts in Abbot's Wood and Glenbervie inclosures where the soil is in no wise adapted for the growth of oak, and it is a question whether those portions should not be entirely cleared and replanted with trees better suited to the soil; we think this should be done without loss of time, and larch, either for hop-poles, or as a permanent crop, substituted in the place of the present trees." To what extent does that bad land go?—It might be about 20 or 30 acres.

35. Not more?—No; it is merely upon the hill, where there is gravel.

36. It does not arise from wet?—Not from wet.

37. Is there much wet land generally in these forests?—Yes; some of the land is wet.

38. Is there a good fall for drainage?—Generally all over.

39. Has the drainage been regularly attended to?—I think so; I have the drains cleaned out every second year. The drainage might be improved in places by giving a fall; but it would be attended with great additional expense in consequence of the passages under the road not being low enough in some places.

40. How much of the forest grows copse?—We have no regular copse; it has been all planted.

41. Is it all perfectly inclosed?—Yes.

42. Can you suggest any means by which the forest could be made more productive?—There is now a part which has been lately purchased which will make it more productive; that is about 86 acres, and that is planted altogether for hop-poles; and nothing pays so well in the neighbourhood of the forest as anything in the description of a hop-pole.

43. Is the detail of thinning and planting all left to your discretion?—Yes.

44. How do you manage the measuring of the trees which you are going to sell after their being stripped; who measures them?—The foreman and myself; we measure them as nearly as we can to give an estimate to the Office of Woods of the contents of what we propose cutting; we measure them standing; and that brings us pretty near the actual measurement when they are down.

45. Have not you had constant disputes with the timber merchant about the size of the timber?—No.

46. Do they always agree to your measurement?—They always take our measurement. In one instance, some years ago, I had a little dispute with the late Mr. Marshall; he said that the measurement was rather tight; but, however, after I made him a very small allowance, he took it. It was very true that the timber might have shrunk a little, but nothing like what he claimed; I made him a very small allowance, and it was accepted.

47. Have these reports been sent to you from the Office of Works?—Not officially; but I have seen a copy of the Thirty-first Report to Parliament of the Commissioners of Woods.

48. I see it stated in one place that 50 copies had been taken by the Office of Works to be sent down to the forests; were none sent to you?—I received some of the printed reports of the last return respecting the forests.

49. You have seen, then, the various suggestions of improvements of the forests in those reports?—Yes.

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50. Have you observed the recommendation to erect sawing-mills?—Yes; in our forest it would not answer.

51. Have you paid any attention to the question, whether it would be advantageous or not to have sawing-mills for the purpose of converting the timber?—I do not know whether it might in a large district, but certainly not in our neighbourhood; but I do not know enough of it to give an opinion.

52. Have you observed in those reports passages about the barking of trees, recommending methods different from those which you employ?—Yes, I have.

53. Have you any experience of the two ways, the one by stripping the bark as soon as the sap will run, and the other by cutting the tree, irrespectively of that, and then hammering the bark off afterwards. Does not it sometimes happen that part of the bark on the tree will not come off, and they are obliged either to leave it on or to hammer it off?—Yes.

54. Is the part of the bark so hammered off as good, or better, or worse than the other?—I consider it nearly useless if it is hammered; you spoil your sample, and it is not worth taking off.

55. Why does it spoil the sample?—If a tanner gets a hammered piece as a sample, he is sure to know it, and he will not give so much; and it may be that the very bit which you might have hammered to get it off the tree might be taken up as a sample. So that if I find a teller of which the sap will not run, I let it stand. It is very seldom that you find a tree of which the bark will not come off; but I prefer leaving an odd tree in a plantation in that way rather than run the chance of spoiling the whole sample by the hammering.

56. Lord *H. Vane.*] What is the whole extent of the land under your management?—About 1,990 acres of plantations in Alice Holt Forest, and 1,840 acres of plantations in Woolmer Forest; in addition to which there are about 4,000 acres of open common in the latter.

57. Colonel *Clifford.*] Did I rightly understand you to say that your impression is, that underwood growing in woods is rather injurious than not to the growth of timber?—I think so.

58. Has it ever come under your observation that timber grows both more rapidly and more kindly in woods than it does in hedge-rows or in fields?—Yes; it is owing a good deal, perhaps, to the shelter.

59. Then is not the growth of underwood rather beneficial than otherwise?—Until trees get to a certain size, I should say that it was; but I do not think they require it when they get to be 30 or 40 years old.

60. But when they get to be 30 or 40 years old, are they not out of harm's way altogether from the underwood?—They are quite out of harm's way from cattle; but still the underwood growing, takes nourishment from the land.

61. Are not the roots of the large trees so much below those of the underwood that they cannot be in any way affected by them?—What I mean to convey is, that the underwood takes substance from the land, which it could give to the oak if it had not to give it to the underwood.

62. Mr. *Compton.*] Of about how many years' growth is the underwood when you cut it?—We cut it whenever we can get an opportunity; we do not use it as the copses in the neighbourhood are done. In the last two years I got a sale by a man who took a parcel of walking sticks; and I was very glad to get it; he gives me 1 *s.* 6 *d.* a hundred for those walking sticks.

63. What is your usual way of cutting underwood; is it of 10 years' growth, or 15 years' growth?—We never let it get up to that age.

64. Do you find when you cut the underwood that the trees are sometimes checked in their growth in consequence of having cut the underwood?—I do not think they ever are, because I never let the underwood get to that height that the oak could get a chill by its being cut down.

65. Have you any regular plan of cutting the underwood?—Whenever I can get a sale for it I cut it.

66. You have no regular plan?—No, we have no regular plan; it is not used as copses are, where they cut them every 8, or 10, or 12, or 14 years.

67. Have you seen any injurious effect produced by cutting copse-wood in checking the growth of the timber?—We have no copses in the forest; the underwood is from the stools of the thinnings.

68. Is the whole of your forest inclosed?—Yes.

69. Then from whence have you cut that timber, of which you spoke about, a load and a half per tree?—There were old trees in the forest when it was disafforested and inclosed.

70. Within the inclosure?—Yes; and as I cut them I replanted, keeping in view the purpose for which the forest was inclosed, for the purpose of growing navy timber. And as hop-poles are very profitable in our neighbourhood I planted with them young larches, which are much more profitable than young oaks in that neighbourhood.

71. Lord *H. Vane.*] Of how many years' growth are the larches for hop-poles?—Those I began about five or six years ago, and they grew so very fast that I think we can cut hop-poles now in another year. I have no doubt that the land planted with larch, in that way, will produce good hop-poles in 10 years, from the day of planting.

72. Mr. *Portal.*] How far apart do you put the larches?—Two feet and a half.

73. How do you thin them?—We do not thin them till we cut them down for hop-poles; we begin with cutting out the largest; if I find them growing too fast round the oak plants I remove them even before we want them for hop poles.

74. Mr. *Fitzgerald.*] In which forest have you pursued that method?—In Holt Forest.

75. Is every part of Holt Forest adapted for that system of planting?—There are 20 or 30 acres that are not fit for oak timber; I should not recommend planting oak there again at all; I would plant it altogether with larch.

76. With a view to hop-poles?—With a view to hop-poles, because they are more profitable than anything else in that neighbourhood.

77. In Woolmer Forest have you pursued that system?—No; I do not think Woolmer Forest is adapted to oak.

78. Is it adapted to the growth of larch?—Yes; it grows larch in some parts.

79. Mr. *Compton.*] You said that Holt Forest has no pasturage?—No; it is all planted, except a few acres occupied by me and the foreman. The only pasturage is under the trees.

80. Is not the timber sufficiently high to admit of animals being turned out there?—Yes; we take cattle in some of the inclosures at so much a head.

81. Is this a forest now, or is it quite disafforested?—It is the private property of the Crown.

82. By an Inclosure Act?—Yes.

83. Mr. *Tollemache.*] You have been 17 years deputy-surveyor; can you state the total gross receipts during that period, or for the last 10 years?—I have a list of the net receipts, but not of the total receipts.

84. Woolmer is also under your charge?—Yes.

85. How many acres are there in Woolmer Forest?—Between 5,000 and 6,000.

86. Therefore Woolmer is a larger forest than Holt?—Yes.

87. In what county is Woolmer?—In Hampshire; but there are only about 1,600 or 1,700 acres planted out of the whole.

88. Is the remainder fit for the growth of trees?—I should say not. I do not think it is worth planting.

89. With what kind of timber is the other part planted?—Principally Scotch fir; and in the patches where oak would grow we have oak planted; we have between 200 and 300 acres of oak.

90. How many years has that Scotch fir been planted?—From 37 or 38 years, downwards.

91. Woolmer is an old forest, is not it?—It is. The inclosures in Woolmer are held upon the same tenure as those in the New Forest.

92. Would not the portion which has been planted with Scotch fir have been more valuable if it had been planted with larch fir?—A great deal of it will do to grow larch fir now, after growing a crop of Scotch fir. I have no doubt that a great part of it would grow good larch fir as far as hop poles, but not up to timber.

93. Has any of it been tried with larch?—I wanted to clear some of it, and plant it with larch for hop poles.

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94. Who prevented your trying that experiment?—I recommended it to the Commissioner, but I was not allowed to do it.

95. What reason did he give for not allowing it?—He did not give me any reason for it.

96. *Chairman.*] Who was the Commissioner?—Mr. Kennedy was the Commissioner at the time.

97. Would not Woolmer Forest bear birch well if it was planted?—Yes; birch would grow there.

98. Is not birch a profitable thing?—If we had it all planted with birch I do not know where we should get a sale for it.

99. Would it not sell for hoops?—Part of it would; but I do not think it would grow birch strong enough for that; but a great deal of the moory land that we have not enclosed now would grow birch, and alder and many things.

100. Do the Scotch firs thrive well that have been planted?—In some parts the Scotch firs do very well.

101. Do you find any difference between those Scotch firs which are planted amongst deciduous trees and those which are planted in open heath?—They do better where they are planted.

102. Do you mean that they do better where they are planted, amongst deciduous trees?—No, I do not think they do so well.

103. I understood you to say, that you had no copse in Alice Holt Forest, but you have since stated that you have copse underwood?—We do not call that copse; the only thing we have is the growth from the stools of the oak; these spring up after the thinnings of the oak.

104. You do not mean that there is any hazel, or anything of that kind?—Scarcely a bit.

105. You have no difficulty in finding a demand for that sort of thing, have you?—Yes; we have rather, for that young oak stuff.

106. But whenever you grow hazel have you not plenty of demand for it?—If that understuff was hazel it would sell better, no doubt, but hazel is never planted; this is the growth only from the stools of the oak.

107. Mr. *V. Smith.*] But whatever that undergrowth is, you stated that you sold it whenever you could find a vent for it; how do you ascertain that vent for it; do you mean to say that upon anybody making you an offer for a certain portion of underwood you would allow him to cut it, or cut it for him?—Certainly not; but the cottagers in our neighbourhood sometimes call for bavins, sometimes they come and bespeak them, and when they do I get it cut for them; but the demand is so little that it would not be worth while to have a regular system of cutting them, because they might be left on hand.

108. Is it worth your while to cut in that manner?—We are very glad to make money in any way we can, and I am very glad to get rid of this young stuff, so that whenever I get an opportunity I cut it; I have offered to people to give them the stools of the old oaks for grubbing them; I got a good many grubbed in that way, but they have given it up, they do not think it pays them.

109. Are you much engaged in the grubbing-up of that undergrowth?—No; I do not do it; it would not pay; but I allowed the poor people in the neighbourhood to grub when they had nothing to do; I gave them the stuff for grubbing it.

110. You had somebody superintending it?—Yes; it was done under our woodmer..

111. Mr. *Tollemache.*] Can you state the gross receipts from Woolmer Forest for the last 10 years?—I have not by me a list of those, but the net receipts are 2,445 *l.*

112. That is from the 1,600 acres inclosed?—Yes.

113. Do you receive anything for that part which is not inclosed?—No.

114. What condition is it in?—It is heath, principally; people have the right of cutting peat upon it.

115. Do you think that a large portion of the forest could be made more profitable than it is at present?—I do not see how it could be.

116. Then do you think it will be always unprofitable?—I am afraid so.

117. Could any portion of it be sold with advantage?—There are so many rights

rights upon it, and it is so cut up by people cutting peat upon it, that I doubt whether it could be; it is very poor land.

118. Could not parts of it be sold with advantage?—There would be a difficulty about selling it. The Crown could not sell it without extinguishing the rights. I have no doubt that a great deal of Woolmer could be made to pay well if it were kept for hop pole plantation; I have no doubt that the chief part of it would carry hop poles.

119. You are speaking now simply of the 1,600 acres?—Yes; and we have some trees growing upon the open forest that will come to good timber, by and by; I forgot that upon some of the moors we have alder and some oak.

120. Are those recent plantations?—No, they are scattered over the whole of the open forest.

121. Supposing that a portion of Woolmer Forest were in private hands, do you think that private individuals could turn it to profit?—I think there is some part that it would be well worth while to inclose.

122. Have you the power of inclosing?—Not without throwing out a similar quantity.

123. Mr. *Fitzgerald.*] What is the quantity which you may always keep inclosed in Woolmer Forest?—I think 2,000 acres.

124. Is there any part under plantation now that could be thrown out?—There might be; but I do not think it would be worth while, if any portion were thrown out, to go to the expense of making a fresh inclosure in lieu of it.

125. Are there not some parts of the open forest, that if planted with hop poles, would pay well?—Yes.

126. Then would not it answer very well to throw out those portions of the forest which are sufficiently matured for the purpose, and to inclose for the purpose of growing hop poles, other parts of Woolmer Forest?—I do not know whether it would not be as good a plan to clear what is inclosed, as to go to the expense of making a new inclosure, as the ground being improved by carrying a crop of Scotch firs, would be in a better state to plant.

127. At what age are the firs that would be cut down in this inclosure?—I think as old as 40 years, some of them.

128. What amount of timber would they contain?—They vary very much indeed in different soils. There are some Scotch firs that I suppose have 10 or 12 feet of timber, and some not half of that.

129. Are there any incidental sources of revenue besides the cutting of timber in either of the forests under your care?—We sell a little heath.

130. Are there any cattle taken in in Woolmer Forest?—No, none; there is no grass.

131. *Chairman.*] You said that there are a number of persons who have the right of cutting what they call turf; what is the number of persons who claim those rights?—All the parties living within four or five different parishes round the perambulation of the forest.

132. Every individual in those parishes claims the right to cut turf?—Yes.

133. Not only to cut heath, but to cut and carry away the soil altogether?—Yes; for the purpose only of burning as fuel in their houses.

134. Are there not many encroachments made; do not many persons cut who have no right to do so?—No, we look very particularly to that; they do not attempt it unless they have a right. There has been but one such attempt made since I came to the forest.

135. Are there a great many small cottagers squatting about the forest?—On the outside there are, but not within the perambulation.

136. The ground is generally very prettily situated there, is not it?—Yes.

137. Did you ever hear of persons wanting it for the purpose of building villas?—I am afraid you would not get many people to build villas upon such land; the land is too poor.

138. Mr. *Fitzgerald.*] Do you receive anything for the right of shooting over the forest?—No.

139. Who has the shooting over Woolmer Forest?—Sir Charles Taylor.

140. Does he pay anything for it?—No.

141. How does he hold it?—I understand by a lease for 31 years, given to him by George the Fourth.

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142. That must be nearly expired?—Very nearly; I think within three or four years.

143. Mr. *Compton.*] Have the people of the neighbourhood the right of turning out cattle upon the forest?—They have.

144. Are there any cattle turned out?—Yes, there are.

145. And they have the right of cutting turf?—Yes.

146. How is the turf cut?—The turf is cut with a sort of tomahawk.

147. Have not they a sort of breast plough for the purpose?—Some of them have.

148. Is that turf cut properly?—Yes.

149. One in three?—Yes.

150. Never pared?—Never pared; it is cut with this sort of plough; a thing they push with their breast.

151. Has each person a certain quantity appointed to him?—No.

152. Do they take any quantity they please?—I believe so; I never heard of any particular quantity being allowed.

153. What sort of persons are those that have these rights?—Every poor person that claims the right.

154. Mr. *V. Smith.*] Is it limited to the population within a certain circle?—Yes, within the perambulation; but very few people, except the poor people, exercise the right of cutting turf.

155. Mr. *Compton.*] Whose business is it to see that those rights are properly exercised?—The woodman, under my direction.

156. Mr. *V. Smith.*] Does he know all the persons who have the right?—Yes; our woodman knows the parties that have the right.

157. Mr. *Compton.*] What quantity of turf is cut per annum?—I do not know; I never knew it to be reckoned; I never knew that there was any limit to the quantity.

158. Mr. *Portal.*] But I understand you to say, that they may not cut for sale, but only for their own consumption?—No: not for any other parties, but only for fuel for themselves.

159. Mr. *Compton.*] How do you know that they do not cut for sale if they are allowed to cut and take any quantity they please?—I cannot be sure that they do not; there is no check upon them; if they are within the perambulation they are allowed to cut and take it home; where I have found out that they do sell it I have had them prosecuted and punished.

160. Do you know the size of the breast plough that they cut the turf with?—I do not know the exact measurement.

161. Therefore you do not know what quantity of land per annum is required to supply turf for those persons who enjoy those rights?—No, I never heard that stated.

162. Lord *E. Howard.*] What is the reason that the rest of the forest is not planted, as it appears that there is comparatively a small portion of the forest planted?—Under the Act the Crown has no power to inclose more than a limited quantity.

163. Mr. *Tollemache.*] It appears that there are about 4,000 acres now, almost, if not quite, unprofitable in Woolmer?—Very nearly.

164. And the greater portion of that, in your opinion, never will be profitable, with the exception of some parts on which you have planted trees?—Unless it is inclosed and planted with a hop-pole plantation, or something of that sort.

165. Would the rights of other parties over the land prevent your planting it?—The Crown can only enclose for planting a limited portion of the forest; but the Crown has the power of throwing out a part, and of inclosing from the open waste as much as is thrown out. In course of time the whole forest could be planted if the soil was good enough.

166. You say there would be great difficulty in selling the land, in consequence of the rights of private individuals upon it?—The Crown should buy up those rights before inclosing it.

167. We know that many commons upon which parties have rights, are inclosed by commissioners being appointed, and those rights being satisfied. Now, supposing that the same thing could be accomplished with regard to the uninclosed land of Woolmer Forest, would that portion of Woolmer Forest which you say is now unprofitable and likely to continue so, in that case sell to advantage?—

advantage?—I am afraid not; I do not think it would fetch much; it would be difficult to find purchasers for it.

168. Are there no large proprietors in the neighbourhood to whom it would be valuable?—There are no very large landed proprietors around. The largest is Sir Archibald Macdonald; he complains of his ground being light already. I do not know whether he would like to add more light soil to it.

169. Lord *E. Howard.*] You said that in Holt Forest hop-poles would grow up in about 10 years; what would be the net value of an acre of hop-poles sold at that time?—I should say the value would be between 50 *l.* and 60 *l.* per acre.

170. What is the sort of size of this timber thinnings that you have taken out; what uses has it been applicable to; has it been large enough to be used in building ships or in making beams?—The thinnings are generally burnt into charcoal for hop-drying, and sometimes I sell some of it for spokes; but charcoal is the principal use to which it is applied.

171. It would be large enough to make posts and rails, but not more than that sort of size?—No.

172. Mr. *Compton.*] It appears that in some years your net receipts have been much larger than in others; in one year you received 1,700 *l.*; in another year, 1,500 *l.*; and in another not more than 600 *l.*; what is the reason of that?—In some years there may be a little timber, and not in others.

173. Is not all the timber cut?—No, we have a little left still; it is almost all cut; we have now only 60 oak timber trees left in the forest. This last season I felled 61; they are now lying in the forest, and will be sold at the next sale in July. I never thinned that forest with a view of making it appear well in figures upon paper; I thinned it according to what the trees wanted; and some years they did not want so much thinning as in other years; hence the difference between one year and another.

174. Do you ever convert timber?—No.

175. You always sell it as round timber?—Yes.

176. Mr. *Fitzgerald.*] As naked timber?—Yes; we strip it. One year I sold it standing.

177. Did you find that that was the better mode of selling the timber?—I am sure it is the best way to sell it standing.

178. Why have not you continued to follow that plan?—Mr. Kennedy ordered me to sell it by auction.

179. The bark separately, and the timber separately?—Yes.

180. Mr. *Compton.*] What do you pay for squaring timber?—We do not square it.

181. Did not Mr. Kennedy order it to be squared?—Not in Holt Forest.

182. Have you ever been in the habit of squaring timber, or of knowing the price of squaring timber?—No, I never sold any squared timber.

183. Where does your timber generally go?—To the neighbourhood around.

184. It is not ship timber?—No, I do not think any of it goes for ship-building.

185. Is it what is called "compass timber"?—No; I do not think there is much compass timber.

186. And each of the trees does not measure much above a load and a half?—Some of those now left standing are more than that; but the timber cut before my time was very large timber, most of it.

187. Mr. *Fortescue.*] What is the age of the trees you are thinning?—They are from 18 years to 40.

188. Mr. *Brand.*] Which, in your opinion, would pay you best, the hop-pole plantation in Holt Forest, or the other part of the forest?—The hop-poles will pay you quicker than the oak will; but the oak ultimately will be the more profitable.

189. Lord *E. Howard.*] Would the 5,000 acres of Woolmer, if it was all planted, all grow larch?—No, certainly not.

190. Nor any kind of tree?—Part of it would grow Scotch fir.

191. Mr. *V. Smith.*] Do you sell by auction now, or by private contract?—By auction when we can, principally; I sold our bark by private contract this year; I have done better by selling the bark by private contract for some time than by auction.

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192. What do you mean by saying "when you can;" cannot you always sell by auction if you like to advertise?—We can always do it if we think fit; but sometimes in our neighbourhood the buyers used to get together, and there was no fair competition.

193. Earl of *Shelburne.*] When you say you do it when you like, you mean when you think it expedient to do it?—Yes.

194. *Chairman.*] When it is sold by auction, you are obliged to take the highest bidder, whether he will ever pay you or not?—Yes.

195. If you sell by private contract, you take care not to sell except to a man who you know can pay?—No doubt.

196. Generally the timber merchants are not the very best payers in the world; is not that so?—I cannot complain; I have not a single farthing due now, at the 31st of March, for any produce from either of the forests; for 17 years I have only lost 5*l.* 10*s.*

197. Have you found no difficulty in getting your money from any of the timber merchants to whom you have sold?—I have had one case of a man who failed, and I had a little difficulty in getting about 20*l.*, a balance that was behind-hand for bark, but I got it.

198. Mr. *V. Smith.*] Is not it the case, that in selling by auction, you are not necessarily obliged to take the highest bidder, but you may make it a condition that he shall give security, and you have an opportunity of examining the security?—We are compelled to take the highest bidder; and although we make that condition, the security cannot be examined till after the sale by auction.

199. Mr. *Compton.*] Do you sell the bark by measure or by weight?—By weight.

200. How much did you get this year?—We got 5*l.* 12*s.* 6*d.* weighed from the pole.

201. What is your average price of bark per ton?—I think the average price we have had for bark has been about 5*l.* 8*s.* for flittern bark.

202. *Chairman.*] Which, in your opinion, is the best of the two plans proposed for drying bark; setting it up end-ways, or stacking it?—I would quote upon the subject the opinion of the tanners; they like it best dried standing; they think it dries evener.

203. That it does not take so much damage from the wet?—That it dries more evenly all over.

204. Mr. *Fitzgerald.*] But that must depend upon the particular place where the bark is; if it is in a damp situation, do not the ends get rotten?—I think that having stages is a very good plan for drying it when it is grassy.

205. When you sold your timber standing, did you sell it by auction, or by private contract?—I am not sure; I only sold it once in that way.

206. You thought that you made more of it in that way than in the other?—I did; I think it was offered by auction, and not sold; and then I sold it afterwards by private contract.

207. Mr. *Compton.*] Do you pay for the taking of the bark from the trees by the ton?—Yes, by the ton.

208. How much per ton?—This year I paid 1*l.* 13*s.* 4*d.* a ton for cutting down the timber and putting it to the pole and drying it.

209. Do you ever hatch the bark yourself?—No.

Mr. *Edward Machen,* called in; and Examined.

Mr. *E. Machen.*

210. *Chairman.*] YOU have been for many years Superintendent of the Forest of Dean?—I have; for 46 years I have been Deputy Surveyor, and I was two or three years before that assisting my father; about 48½ years altogether.

211. You remember when the Forest of Dean was in a very different state from what it is now in?—Yes.

212. A great part, I believe, of the labour of your father and of yourself in early times was devoted to bringing the people into something like decent order, as well as superintending the forest?—A great change has been wrought in them; there is a very great difference in their habits now, certainly, from various causes.

213. What

213. What are the sources of emolument from the forest; not speaking of the mines, but confining yourself to the timber part of it?—Having only received yesterday the letter informing me that this information would be required by the Committee, I am not prepared now to give it accurately. If I gave only an account of the money I received and the money I paid, it would give a fallacious account; for there are mines as well as the forest, and there are rates and payments for charitable purposes and roads; and if no credit is taken for the revenue from the mines, many of those items ought to be taken out of the account in making out an account for the forest, and that I have not had time to do. Besides, the accounts that were kept in the earlier part of the last 10 years put all the works together, without making any difference for what might be called new works as distinguished from the old; therefore, in giving a fair representation of the revenue of the last 10 years, the expense of planting ought to be taken out; but I am not sufficiently prepared to give you that to-day; but I will make out such a return for the Committee before their next meeting.

214. What are the sources of revenue from the forest?—The sources of revenue are the sale of timber, the miners' timber, the bark, and the cord-wood. Those may be said to form the whole revenue from the forest.

215. What do you call the miners' timber?—That is cord-wood of a larger size, for supporting the roofs of the mines.

216. What is the number of acres in the forest under timber?—The quantity of forest under cultivation is 13,486 acres.

217. Colonel *Clifford.*] Is that without the High Meadow?—Yes.

218. *Chairman.*] What is the extent of the forest altogether?—Twenty-two thousand five hundred and twenty acres; but that includes the property of individuals. There were inclosed from 1810 to 1814, 8,526 acres; and then 2,473 acres were thrown open to the commoners, though covered with timber.

219. Why were they thrown open?—In order to take in an equal quantity again; because the right of the Crown is to inclose as much as they throw open, so as always to have 11,000 acres inclosed. They may go over the whole forest in that way.

220. But they must keep a certain portion open?—Yes; they can only keep 11,000 acres inclosed.

221. Then it is rather more than half that can be inclosed?—Very much more than half now; because, when I said 22,000 acres, there is private property now 3,190 acres.

222. Has the Crown sold that?—There were 2,000 acres of encroachments which they have enfranchised.

223. How were the encroachments made?—They were made by the cottagers around at different periods. When we first took to the forest, it was going altogether by these encroachments. If the inclosure had not taken place, the whole place would have been entirely taken away from the Crown; it was thought a hopeless business ever to begin with it, for they had got almost into the centre of the forest; there was a Commission to inquire into those encroachments, and they were divided into three classes; those which had been taken in more than 60 years, and those which had been taken in more than 20 years, and those which were within that period; and there were certain rules laid down by which the Act of Parliament gave them the power of purchasing for a very small sum the Crown's right in them; and then they were made freeholds.

224. Lord *H. Vane.*] When was the Act of Parliament passed?—The Act was passed in 1838, and it was extended in 1844.

225. *Chairman.*] Can you state the net profit of those parts of the forest which are under timber, and under copse, and so forth?—I am not prepared to state that to-day, but before the next meeting of the Committee I will endeavour to make out such an account, showing the revenue and the charges of management.

226. Is the quantity of timber in the forest now greater than it was when you first undertook the management of it?—No; I do not call the new plantations timber at all.

227. What age are they?—I call them 33 years of age. The inclosures were made 40, 41, and 42 years ago; but the plantations failed at first; and as I stated under the third head of my paper, in commenting upon Mr. Brown's

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Report, that the trees cannot be said upon the average to be above 33 or 34 years of age.

228. Is there now a greater quantity of timber upon the land than there was, or is there less?—Much less. In 1808, by the return of Messrs. Driver there were 22,880 loads of timber. Ten years ago I reckoned that there were 14,000 loads, and now I reckon that there are 4,500 loads; I am speaking of old timber, because there is no succession in the forest. The timber is either 40 years old, or 140; there can be said to be no succession. There was nothing planted for a long interval.

229. Then am I to understand that it is rather a succession of plantations than a forest?—Yes.

230. There is no succession of timber?—None at all; if the same quantity of timber that was felled last year was felled again, it would take the whole of the timber in the forest.

231. Why was so large a quantity cut last year; was it by direction from the office?—Yes; in the last two years there were 7,800 loads of timber cut.

232. Was that cut for the benefit of other timber that was coming up?—No, it was cut for a supply for the navy, as far as it went.

233. Then, in point of fact, it has been expending the capital of the forest as annual income?—Certainly.

234. Mr. *V. Smith.*] Would the timber that was cut have improved by standing?—No, I cannot say that it would; it was old timber.

235. It was full-grown timber?—It was.

236. Mr. *Fortescue.*] Then why do you object to its having been felled?—I do not object to its having been felled. I recommended that it should be cut at the rate of 1,000 loads in the year instead of 4,000 in one year, because I thought it would be more convenient on many accounts, for the employment of labour and for the markets, and for the roads; that was the only reason I had.

237. Mr. *V. Smith.*] Did it overload the market by cutting so large a quantity at once?—I thought it probably would do so, but I cannot take upon myself to say that it has done; but those 4,000 loads that were cut last year are there now.

238. What is the price you got for it?—For the navy the prices vary according to the size. They have a long list of prices to certain contractors; 7 ½ per cent. is deducted from those. There is a long list of prices varying from 6 *l.* a load to 16 *l.*

239. Mr. *Fortescue.*] What do you mean by saying that you are consuming the capital of the forest?—Cutting the timber, I suppose, would be called consuming the capital.

240. You mean without supplying its place by new plantations?—Yes; you may call cutting the timber consuming the capital, in the same way as you would in the case of an individual cutting all his timber in a year.

241. But the timber was of a proper age to be cut?—Yes, it was.

242. Then you meant because it has not been replanted?—I did not exactly mean that.

243. Colonel *Clifford.*] Is not what you mean this, that there is no gradation of timber in the forest, that there can be no timber cut again for many years, because none of the present plantation will come into timber for a great many years to come?—Yes, that is what I mean. I mean that it is capital in this sense, that if the amount realised in that year were taken as annual revenue, it would be a fallacious estimate.

244. Mr. *Fitzgerald.*] Was it timber that was improving?—No, I cannot say that it was.

245. But surely if timber is not improving, is it not rather consuming capital to leave it there producing no interest, than to cut it and convert it into use?—All I said upon the subject was, that I thought the timber was fit to cut, but I thought it would be more convenient to cut 1,000 loads in a year than 4,000 in a year. I never objected to its being cut.

246. Mr. *Fortescue.*] You mean that it gave an extraordinary amount of income in that year that you cannot reckon upon in other years?—Yes, that is what I mean.

247. *Chairman.*] What is the general character of the land on which the timber

timber grows?—There is clay, sandstone, and brushy land, and there is wet land, but not a very large proportion.

248. Is any of the land adapted to growing timber of a very great size?—Yes, of a very great size indeed.

249. To what size would the timber come upon the best land?—It would average three loads in a tree; I think in Russell's inclosure, in the fall of 1852, 1,115 trees were calculated to produce 2,880 loads of timber.

250. But I understand you to say that that is the best land?—There is very fine timber cut in other parts, but those happened to be growing there; that is clay soil.

251. Supposing it was left longer than that, would the trees begin to get stag-headed, or to deteriorate in some way?—Yes.

252. Then they will not grow in the best land beyond three loads in a tree?—Generally speaking; but you cannot lay down a general rule for that; I have seen very large trees growing, and others of a smaller size deteriorating.

253. Mr. *Fortescue.*] What was the age of those trees?—I think they must have been 180 years old; I think the principal part of them were the produce of inclosures of the 20th of Charles the 2d, but still I think some of the timber must have been older than that.

254. *Chairman.*] Comparing it with other sort of timber; do you know the timber in Bagot Park?—No, I am not much acquainted with other woods, but I think that the forest timber in three-fourths of the land is very fine timber; I think it is calculated to produce very large timber.

255. What is your rule in thinning; do you divide the forest into certain portions, and take one in a year, or how is that done?—Yes, that is what we have done. We take a certain number of inclosures every year; we take, perhaps, 2,000 acres every year, and come round in about five or six years.

256. Have you any copse?—Yes, the trees are cut down and they shoot up again.

257. Those are the oaks?—Yes.

258. But you have no hazel; nothing for hurdles or hoops?—No; we have one inclosure with hazel, but only one; the great thing is the oaks, which are cut for thinning.

259. Colonel *Clifford.*] You have Spanish chestnuts?—Yes.

260. *Chairman.*] At what age will a tree contain a load of timber in it?—I should think at 60 years old, but it depends on soil and situation.

261. Do you observe any difference the first year that the cattle are turned in to browse, when a plantation is thrown open?—No, I cannot say that I have seen any difference.

262. Is it observed that the trees grow better the first year after the cattle are turned in than at other times?—I cannot confine it to one year, but I think the timber grows better in consequence of being thrown open.

263. Do you think that it is likely to be profitable to have a sawing mill in your forest?—No, I do not think it is likely to answer. The reason I do not think it is likely to answer is, because there is no timber to supply it fully grown now. I do not think the forest plantations will produce timber to supply that saw-mill for 20 or 30 years to come; and the saw-mill they have sent down is quite inadequate for sawing that very large timber. That has been proved.

264. Is it a circular-saw?—It is.

265. Is not great machinery required to lift the timber upon the platform?—Yes; that is done by a steam-engine and screw-jacks.

266. What is the power of that steam-engine?—Fourteen horses.

267. Do you happen to know the quantity of your timber that is used by timber merchants in plank, or in round or square?—No; I do not at all.

268. Do you happen to know for what purposes they buy it, and sell your timber?—For all kinds of uses. At the last two or three sales, the railway persons have come into the market from Newcastle and Birmingham, but that has been only at the last two or three sales.

269. Was it to use upon the railway, or to take off for shipping?—To use upon the railway, I understood.

270. Colonel *Clifford.*] Are not the principal purchasers of your timber generally timber dealers?—Yes.

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271. Not persons who want it for their own use?—No; the timber dealers generally at Monmouth, and Newport, and Chepstow and Bristol.

272. *Chairman.*] Do you know whether much of your timber is used for boat and barge building, and ship building?—A good deal.

273. Of course, all that is taken for that purpose would not be sawn into plank?—No.

274. Colonel *Clifford.*] Do you suppose that the parties who buy the timber, being timber dealers, prefer having it in the state in which it is now sold, to having it sawn and purchasing it in plank?—I should think so. I understood that the saw-mill was meant to give increased value to the timber at the sale, and that it was intended to allow purchasers the use of it; at the present moment, only one of the purchasers has availed himself of it.

275. *Chairman.*] That is supposing always that the purchasers want to use the timber as plank?—Yes.

276. Have you paid any attention to the recommendation of an alteration of the mode of stacking your bark?—Last year we did it; we put it on stages instead of our usual way.

277. Was the weather favourable, or was it wet weather?—It was favourable for the timber bark, but it was wet weather for the thinnings.

278. Was the bark the better or the worse for that mode of stacking?—We thought it was very much the worse; there was a great deal injured.

279. By the mode of stacking?—I think so.

280. It did not dry so well as if it had been put upon a pole?—I think not.

281. What do you say to taking off the bark by hammering it off, instead of stripping it in the ordinary way?—I should not think the bark was so good; I should think the hammering was only applicable when it was an unfavourable run of the sap, because if it will come off without the hammer, it is much better, and it is got off easily when the run is favourable.

282. But supposing you cut the tree when the sap will not skin, and you have to get the bark off afterwards?—Then it may be necessary to use a hammer, but I cannot help thinking that it must injure the bark.

283. Do you know, in point of fact, whether it does or not?—I do not know; I cannot speak of that; we never do it.

284. You do not know whether the bark so obtained is inferior in quality, and more liable to become injured?—I cannot say; I should think it was.

285. Can you suggest any method by which the timber of the Forest of Dean could be made more profitable than it is?—That is a very wide question; I have always been considering the forest as a nursery for navy timber; I think it is quite inconsistent to expect much of present revenue and at the same time to keep in view the ultimate object that we have of raising navy timber; I can suggest no means of doing both.

286. But your nursery for navy timber has fallen from about 22,000 loads, which the forest contained at one time, to 4,000 loads?—Yes: what I mean is, that our nurseries for the navy timber extend over nearly 14,000 acres, but I do not think that they will produce any considerable revenue at present, if they are managed in the best manner for producing navy timber.

287. What is the size of the oaks in the largest of those plantations?—Eleven thousand acres were planted within a few years, but I do not call them timber yet; in circumference they may be seven or eight inches; not more than that.

288. Earl of *Shelburne.*] Your theory is, that it is still a nursery, but a younger nursery than it was before, since the old timber has been good?—Yes.

289. *Chairman.*] And it will take 50 or 60 years before there are any trees fit for navy purposes?—Yes, at least that for navy purposes.

290. Mr. *Fitzgerald.*] Have those plantations been made at different periods?—Eleven thousand acres were taken in from about 1809 to 1814.

291. What is the size of the trees in those plantations; would they contain four feet of timber upon the average?—No, I do not think they would.

292. In Gloucestershire what do you call a teller, and what do you call a timber tree?—I do not call it timber till it girts six inches; that would be 24 inches in circumference.

293. In those old plantations you say they will not girt six inches?—Nothing like it, taking the average girt of the whole.

294. In the new plantation what has been your mode of planting; has it been planting all oak, or oak with larch nurses?—We plant oak with larch nurses; in one part of the plantation there are a certain portion of Spanish chestnuts.

295. Do you do the planting yourselves?—We have planted ourselves all the later plantations; at first, Driver's people contracted for the planting.

296. When you plant oak with larch nurses, at what distance do you plant the oak trees?—Four feet apart generally; that is, an alternate nurse and an oak. We plant 2,700 to an acre of oak and larch.

297. You plant oak and larch alternately?—Yes, generally speaking.

298. Can you state what the average cost per acre was of planting in that way?—I cannot tell what Driver's contract was. I reckon that our plantation has cost about 10 *l.* an acre.

299. Including everythiug?—Including everything but roads.

300. Including fencing?—Yes.

301. Mr. *Compton.*] You stated, that in the whole of that forest there were 22,520 acres, and I understood you to say, that there were 3,000 acres of encroachments?—In the area of 22,520 acres there were 3,190 acres belonging to individuals, 2,108 of which had been originally encroachments, but they are now enfranchised under the Act of Parliament.

302. Mr. *Fortescue.*] What is the meaning of "encroachments sold"?—They were sold under the Act of Parliament; there was a Commission to inquire into the circumstances under which people had held them, and how long they had held them; and these were divided into three classes; at first the Commissioners recommended that they should have leases for lives at a very low rent, and then when the Bill was before The House, there was a clause introduced to enable them to enfranchise at 20 years' purchase of the rent, which was very small, and so they all enfranchised.

303. Mr. *Compton.*] But of the 22,520 acres in the forest, 3,190 are private property, and there are 13,000 under plantation?—Yes, 13,500.

304. And you can only inclose 11,000 acres at a time?—Yes.

305. Then you only have 5,600 acres remaining that you can enclose?—Yes; but I do not think you would ever get 1,500 acres more; a great part of those 5,600 acres is occupied with mines and roads, and it is so completely occupied in other ways that the Crown would never be able to get above 1,500 acres more.

306. You spoke of the average size of your trees being three loads to a tree; do you think that the trees which you have now upon the ground, if sold, would yield three loads to a tree?—No; not more than two.

307. Have you sold a great deal of cord-wood in the last year?—Yes.

308. How do you sell your cord-word?—The last we sold at 8*s.* 6*d.* a cord; it has risen in price; that is the highest price; we did not use to get above 6*s.* or 7*s.*

309. How do you sell the bark, by measure or by weight?—By weight.

310. Do they strip the bark for you by weight?—We do it by weight.

311. How much do you pay for stripping the bark?—Twenty-eight shillings to 30 *s.* for the thinnings, and 20 *s.* to 21 *s.* for the timber bark.

312. What have you sold your bark for last year?—£. 4. 10.

313. Is that the flittern bark?—Yes; we have had for timber bark this year 4 *l.* 10 *s.* and 4 *l.* 12 *s.* 6 *d.*

314. To whom do you sell your bark?—We sell it by auction to different purchasers; they are mostly bark dealers.

315. Do you sell it on the ground?—Yes.

316. Do the purchasers carry it away?—Yes.

317. And they hatch it?—Yes; we do not hatch it; they have only 20 cwt. to a ton now; they used to have 21; I suppose that is universal now.

318. What has been the average price of bark in the last three years?—£. 4 per ton. It has been as low with us as 3 *l.* a ton four years ago, and it has been as high as 14 *l.*

319. Is the timber now upon the ground compass timber?—Not a great deal of it.

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320. Where does your compass timber go to?—To Pembroke dock-yard.

321. Do you ever convert any timber yourselves?—Never.

322. Do you always sell it as round timber, or do you square it?—It is generally squared, because a great deal is squared in preparation for the navy, and then rejected, and a great deal sided; the purveyor first rejects it in a round state, and then after it is squared he rejects more of it, and then again after it is sided; we do that in preparation for the navy, so that it is sold in that state.

323. Has it usually been sold as square timber, or as round timber, in the last 10 years?—I should think there is more sold in the round.

324. How do you sell the timber that is rejected by the purveyor of the navy?—By public auction always.

325. As you cut the trees down, what do you do with the top and lop?—That is made into miner's timber and cord-wood.

326. Are there many boat crooks sold?—No; there are none taken by the navy; some years ago they used to take a great many of those knees for the navy, but they do not take them now.

327. Earl of *Shelburne.*] Why not?—I believe they use iron instead.

328. Mr. *Compton.*] Do you make a great quantity of faggots?—No, none; we make no profit of any part of the browse wood in our country.

329. You have no copse wood?—No.

330. What rights have the commoners over your forest?—The legal rights of common I suppose belong to the freeholders of the adjoining parishes; but practically it has all got into the hands of those small holders of encroachments.

331. I understand you to say, that when those encroachments were decided upon, and the land was given to the people who had encroached, they then exercised commoners' right?—They exercised them before.

332. Who checks the commoners' rights?—There is no check at all upon them; in 1839 there was an account taken by the keepers, to see how the commoners' rights were exercised.

333. How many keepers have you in the forest?—There were six then; it was found that in the Speech-house Walk, there was one-half by the freeholders and one half by the encroachers; then in York Walk, the same; in Herbert Walk, the same; in Danby Walk, one-sixth by the freeholders and one-sixth by the encroachers; in Latimer Walk, five-twelfths by the freeholders and seven-twelfths by the encroachers; in Worcester Walk, one-twelfth by the freeholders and eleven-twelfths by the encroachers.

334. Were the rights exercised by those persons, who had encroached conceded to them, and have they now by law the rights that all other commoners have?—I do not know; that is rather a legal question.

335. What rights do they exercise?—They exercise the rights of turning out cattle without limit.

336. Do they cut turf?—No; there is no practice of cutting turf.

337. You have no peat?—No.

338. Do they turn out pigs?—Yes, they do; when there are acorns.

339. They have a right to do that?—They have a right by custom.

340. Since when?—I do not know; it is immemorial.

341. Colonel *Clifford.*] Will you state the acreage of High Meadow?—Old woods, 2,313 acres; plantations made between 1825 and 1830, 1,094 acres; two small detached woods, 35 acres; and land let to tenants, 42 acres; making together 3,485 acres.

342. Mr. *Tollemache.*] It appears that in the Dean Forest, out of the whole 22,520 acres, the quantity planted is 13,486; and that there are 3,190 acres of private property (of which 2,188 acres were encroachments); what is the rest?—The forest officers occupy about 122; the waste, 5,696 acres, and there are the encroachments, 25 acres; that means encroachments of parties never redeemed which are still encroachments.

343. You are the surveyor of Dean Forest, and also of High Meadows?—Yes.

344. How long have you been surveyor?—Forty-six years deputy surveyor.

345. Colonel *Clifford.*] What is the population of the district of Dean Forest?—About 13,300.

346. Mr. *Compton.*] Can you give the Committee an estimate of the present value of the plantations?—Yes; I value the plantations at 40 *l.* or 42 *l.* an acre, with reference to their future destination; when I say that the plantations are worth 40 *l.* or 42 *l.* an acre, I do not mean that if you cut the wood down they are worth that to sell the wood. If you cut down those plantations, and sold them now, it must of course be a most unprofitable concern; it would be like cutting a green crop of wheat; its value is with reference to its future destination.

347. Lord *H. Vane.*] You say that the average age of the present growth of oak in the forest is 33 years; have you formed any calculation how many years will elapse before the timber is available for naval purposes?—I think it will not be for these 80 or 90 years; I think our forest timber requires more than 100 years' growth.

348. You calculate that timber, in order to be serviceable for naval purposes, requires an age of from 80 to 100 years?—It requires that for large timber; there is always some coming out that may be used for the Navy; but timber of the kind that has been cut now will not get to that size in 100 years.

349. *Chairman.*] You said that it would take 60 years for an oak plant to get a load of timber in it; but after that, do you not consider that the wood would be getting riper and riper, and that the specific gravity of the wood would be getting greater?—Yes.

350. So that, even when it arrived at that age, it would not be fit for the best timber?—No.

351. Earl of *Shelburne.*] You said that it was injurious to cut so great a quantity of timber in one year; do you consider that it was injurious in any other way than as tending to give a fallacious idea of the revenue of the forest?—One evil of it is that the timber is now lying there; you cannot get rid of 4,000 loads of timber in proper time; if only 1,000 had been cut it might have been finished within the year, before the 31st of March, whereas it is all there now; and besides that the workmen are all put out; we could not get our work done properly, because so many hands were wanted.

352. It produced a variety of inconveniences in the management?—Yes; I do not mean to say that the timber was not ripe for cutting.

353. Mr. *Fitzgerald.*] Under whose direction is the system adopted of planting oak and larch alternately at four feet distance?—It was begun by Driver's people, forty years ago.

354. Under whose direction was it; are you responsible for the adoption of that system, or the Woods and Forests, or who?—I cannot say; it began in 1808.

355. Has that been the system uniformly pursued in the forest?—Yes.

356. Upon the last occasion when the planting was done by contract, was that system of planting specified when the contract was entered into?—It was specified; but the last planting was done by ourselves. They first contracted to plant, four feet apart, oaks only; the nurses were not planted at first; and then when larch and fir nurses were used the same quantity of trees were planted, but the number of oaks was reduced in proportion.

357. Are you able to say whether it was done by express direction of the Woods and Forests?—It was.

358. *Chairman.*] Who was the Chief Commissioner then?—Lord Glenbervie.

359. Mr. *Fitzgerald.*] Has the same system of planting been pursued since 1808?—The same number of trees on an acre, but at first they did not plant any nurses.

360. When was the system of nurses adopted?—Almost as soon as we could get a stock of firs in the nurseries.

361. You grow your own nurses in the nurseries?—Yes.

362. Mr. *Portal.*] You only use larch as nurses now?—Yes.

363. And you use them alternately with oaks?—Yes.

364. *Chairman.*] Do not you use Scotch firs as nurses?—Not now.

365. Do you find any difference as to the liability to take damage from frosty dews according to whether the nurses are Scotch fir or larch?—No, I have not observed that; but we have observed that the Scotch firs are the best in the low

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ground, because sometimes the larches themselves are injured by the frost upon the damp.

366. Mr. *Fitzgerald.*] Do you think the system of planting larch and oak alternately is a good system of planting?—I think it is.

367. Are there not considerable objections to it, when you begin thinning, by reason of your not being able to thin the larch without disturbing the oak?—We do not do it universally, because in some instances we do plant larch together.

368. In what plantation have you adopted another plan?—In a part of the last plantation that we made, aboutseven or eight years ago, where the firs are planted in alternate rows.

369. Under whose direction is that change of system made?—It was adopted by Mr. Langham.

370. Was that by direction from the head office?—No; it was not by direction from the head office.

371. It was solely by directions from the officers upon the spot?—Yes.

372. Mr. *Tollemache.*] Is any revenue derived from the shooting?—No; there is nothing to shoot now.

373. Mr. *Compton.*] Have you any deer?—No.

374. How long have they been killed?—They have not been entirely destroyed till within the last three or four years.

375. Have you any plantations which have been perfectly thinned, and which are not to be thinned any more?—No, we have none; they will want thinning more.

376. How many trees, do you think, ought to live upon an acre when a plantation is perfectly thinned?—I think they should be brought down to not more than 40 upon an acre. If they are to grow to large timber, I do not think there should be above 40 or 50 upon an acre.

377. Mr. *Fitzgerald.*] Has the saw-mill been used at all for the conversion of the timber thinnings?—No; the saw-mill has not been there three weeks. The only use to which it has been put has been by one of the purchasers of the large timber. It had been represented to him that it would cut timber of 24 inches diameter; whereas when he came to use it, he found that it would not cut anything like it; in fact, it is more calculated for trees of nine or ten or twelve inches diameter.

378. For the conversion of trees of that kind into hurdles and gates?—Yes; I think it would do very well for that.

379. If it were used for that purpose, do you think that you could make a better profit of your thinnings by converting them in that way than by selling them in bulk?—I do not think that the thinnings of the forest would be available for that.

380. Is not there a large quantity of fencing which you have constantly to repair?—Yes; but very little of that is wood fencing.

381. Colonel *Clifford.*] Your fences are mostly banks?—Yes, lined with furze; there is very little wood-fencing.

382. Mr. *Brand.*] How is that sawing machine paid for?—It is not paid for at all. This person is using it on paying the expenses of the mill, and nothing at all besides.

383. *Chairman.*] The saw-mill will cost 1,000 *l.*, I believe?—Yes, I understand it will; there will be considerably greater expenses for it to the Crown.

384. Lord *E. Howard.*] By merely changing the blade of the saw, would it be available for larger timber?—No; the machinery is not powerful enough.

Martis, 20° *die Junii*, 1854.

MEMBERS PRESENT.

Mr. Drummond.	Lord Edward Howard.
Mr. Vernon Smith.	Earl of Shelburne.
Mr. Tollemache.	Mr. Evelyn Denison.
Mr. Brand.	Mr. Portal.
Mr. Compton.	Lord Harry Vane.

HENRY DRUMMOND, Esq., IN THE CHAIR.

Mr. *William Lipscomb*, called in; and Examined.

385. *Chairman.*] ARE you Deputy Surveyor of Delamere Forest?—Yes.

386. How long have you been so?—Eighteen years the last 1st of March.

387. Can you state the net annual revenue, after deducting all expenses of management, which Delamere Forest has produced?—About 1,000*l.* or 1,100*l.* a year the last 10 years.

388. The net profit?—Yes; the clear surplus profit.

389. What number of acres does the forest consist of?—Four thousand and twenty-two.

390. Is the quantity of timber in those forests greater now than it was when you first took the management of it?—The quantity of good timber certainly is greater; it is a series of plantations: the oldest tree in the forest is not more than 40 years, and I have been in office 18, so that the quantity has been increasing.

391. Is the forest all inclosed?—It is all inclosed.

392. Was it always inclosed?—No; it had been a barren waste of 8,000 acres for a vast number of years; an Act passed in 1813, and a moiety of it was given to claimants to the amount of 4,000 acres, and 4,000 were inclosed.

393. Then it is now a series of plantations?—It is a series of plantations in different stages of growth.

394. Is there a great variety of soil in the forest?—No, I cannot say that there is a great variety; it is chiefly sandy soil; there are some parts very bad; some better; the soil generally, however, is a very poor soil.

395. What is the average size to which the oak timber grows before it begins to decay?—I have measured a vast number of our best trees, and they are from seven to nine inches diameter, six feet high.

396. Not more than that?—Not more than that; we have them more, but not taking the average of the growth of 35 years.

397. To what size will timber grow there?—I can only speak from analogy from the size of trees in the neighbourhood; there are two farms, called the Old and New Pales, let to Lord Cholmondeley; they have got several trees on those farms now standing, of the same description of land as the forest, having 54 feet of timber in them.

398. Is that the largest size?—That is the largest.

399. What other trees are there besides oak in the forest?—A great quantity of very fine larch.

400. To what size will they grow?—I should say, they average about 10 feet but I have got them as far as 32 feet. I cut a tree that is known to be under the growth of 40 years, having 32 feet timber in it.

401. Have you any large timber of any sort in the forest?—No, none; it was perfectly bare when it was planted nearly 40 years ago.

402. Mr. *Compton.*] In what year was the forest inclosed?—In 1813, I think.

403. *Chairman.*] Of course it is all plantation, there is no coppice wood of any kind?—None.

404. Is there much wet land?—No, very little; the soil is naturally dry; it was well drained. There is a part of the forest, about 100 acres, which were formerly water-meres, and which are now called mosses; these have been well

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drained, and planted with Scotch firs. There are about 1,000 acres of that sort of land.

405. Peat land?—Peat land.

406. Does Scotch fir grow well there?—Not well. There are some of 30 years' growth, only now becoming fit for coal-pit props.

407. The soil does not appear to be well adapted to grow oaks of a large size?—No, I do not think it is.

408. What is the value of the land in the immediate neighbourhood?—I am told that it lets for about 25 *s.* an acre. The two farms that belong to Lord Cholmondeley, which have been taken off the forest, let for about 25 *s.* an acre.

409. Then the land would produce much more value if it was not underwood?—I do not know. It is not all such good land as that which is let for the farm. Some of the best of it is worth that.

410. I need scarcely ask you whether you think it would be profitable to have a sawing-mill erected in the forest?—No; ours is very small timber.

411. What is it chiefly used for?—The Scotch firs go for coal-pit props. The larch are very fine, and at present I sell a great quantity of them for the railways.

412. At what age are they fit for the railways?—About 25 years' growth. They take them containing from five to six or ten feet of timber, and they make fine sleepers.

413. Are they generally sold to timber merchants?—Generally to timber merchants or contractors; those that have contracts for railways.

414. Do you measure the timber yourself?—Yes, sometimes; but the foreman is generally on the spot when the measurement takes place. Each woodman is supplied with Hoppus's Tables, a sort of ready reckoner for measuring timber.

415. Mr. *Tollemache.*] Can you give us your total gross receipts for the last 10 years?—I was not called upon to produce them, but I have them here for the last seven years, and I can state that for the last 10 years they have exceeded 1,000 *l.* annually; and, throwing out the expense of the police, which is a new expense, I should say it is nearly 1,200 *l.*

416. Can you furnish the Committee with a statement of the total gross receipts for the last 10 years?—Yes.

417. Can you give the Committee also a statement of the total gross expenditure for 10 years?—Yes; I have here the total expenditure and the receipts for the last seven years. The total receipts are 22,391 *l.*; the expenses are 15,618 *l.*; and there is 400 *l.* worth of bark in stack still unsold.

418. Then the net income is about 1,000 *l.* a year?—Yes; and that includes the expense of the police and contributions to schools, which can hardly be called a part of the expense of forest management.

419. How long has that police force been there?—Two years, on the 1st of May.

420. What portion of the forest is growing larch and fir?—I think at least half of it.

421. What extent is there of Scotch fir?—I should think one-fourth of it is entirely Scotch.

422. Would any portion of those plantations which are growing exclusively Scotch fir, grow larch or any more profitable kind of timber?—No; I do not think it would bear larch. There are about 420 acres of it in moss.

423. How much is growing oak and timber of that description?—I am sorry to say that there are about 2,000 acres; but I think there are not above 1,000 acres that is land good enough to carry oak so as to bring it to any size.

424. What is the salary of the surveyor?—£. 200 a year; it is made up to 200 *l.* a year. I am a pensioner as a retired clerk of the War Office, and they gave me short of the 200 *l.* a year in consequence of that pension.

425. What do you receive as surveyor?—£. 200 a year is the deputy surveyor's salary, and I receive 198 *l.* 17 *s.* 6 *d.*, which is very close upon it.

426. You have been surveyor for 18 years?—Yes.

427. Have you a house in addition?—Yes, I have.

428. Have you any land?—Yes.

429. How much?—About 17 acres.

430. Do any cattle graze in the forest?—No.

431. Did not cattle formerly graze in the forest?—They trespassed on the forest to a certain extent; the owners drove them in at night when the men were off work,

work, and it was owing to that trespass that we got the police; and I am happy to say that it has been most effectual in preventing the trespassing. I do not think there have been any cattle upon the forest since the police have been there.

432. Mr. *V. Smith.*] Had you any previous knowledge of the management of timber or plantations when you were first appointed to the office of deputy surveyor?—No, I had not.

433. Then your knowledge on the subject has been acquired by the experience of the last 18 years?—Yes.

434. You have stated the amount of the receipts and expenditure; can you state the general heads of the expenditure; of what do the largest heads of expenditure consist?—In felling.

435. And in planting?—And in planting; but the largest in felling.

436. And generally in labour?—Yes.

437. What is it that controls your expenditure; have you an unlimited power of ordering any expenditure that you please?—Yes; I never have any limit; I do all that I think necessary to be done; whenever I see thinning necessary, I employ the number of men that is necessary.

438. It is not prescribed to you to keep the expenditure in a certain proportion to the receipts?—No, excepting being guided by the annual estimate.

439. You might in one year exceed the receipts by the expenditure; and it appears by the paper which you have produced, that in one year the expenditure did exceed the receipts?—Yes; timber was very low in one year, and no bark was stripped, and the expense exceeded the receipts.

440. Are any questions ever asked you about the expenditure?—No, I cannot say that there ever are.

441. Not by the Commissioners of Woods and Forests?—No.

442. Nor by the Treasury?—No.

443. You act entirely on your own responsibility, and not under any rules prescribed to you by a Minute of the Treasury?—No; I have always had annual visits from one of the Commissioners; Mr. Milne, the visiting Commissioner, was frequently down, and I received verbal instructions from him, but nothing further.

444. Your object in all your operations is the gradual improvement of the forest?—Yes; thinning where thinning is required, and endeavouring to make as good a return as I can to pay the wages of the men.

445. What is your opinion as to the most profitable mode of cultivating the land over which you are appointed surveyor?—My orders were to press in oak wherever it was possible that it would grow; I think that that has been carried too far; I think if one-fourth of the forest only had been planted with oak, it would have been more profitable as to the return, and if the other part had been planted with larch and Scotch.

446. Have you any general acquaintance with agriculture, independent of the growth of wood?—No.

447. Have you ever turned your mind to the consideration, whether or not a more profitable cultivation might be pursued with the land than the growth of wood?—No, I have not; I have always understood that the forest, before it was inclosed, was a barren waste, that was doing nothing, of 8,000 acres, and which had not returned a shilling for a couple of hundred years.

448. You have had no view but keeping up the cultivation of the wood as it exists in the best order?—None.

449. Lord *H. Vane.*] When was the forest inclosed?—In 1813; there was no tree planted before 1815.

450. Mr. *Compton.*] You stated that the gross receipts for the last seven years had been 22,391 *l.*; has any large timber been cut during that period?—None in the forest; we have nothing but a series of plantations. On the two farms adjoining we have cut large trees; I have charge of the trees that grow upon the two farms as well as in the forest, and we have thinned out some of those.

451. The gross expenditure you have said is 15,618 *l.* in the last seven years; does that include your salary?—Yes; and every expense, and keeping in repair nine lodges, which amounts to a considerable sum.

452. Then the only way in which you have got any money is by thinning the plantations?—Yes.

453. Can you give the Committee any idea of the value of the timber in that forest?—Yes; Mr. Clutton and my son, who is a surveyor, went over it and valued

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the standing timber and land at somewhere about 135,000 *l.*; but I speak entirely from memory, the correct figures are in Mr. Clutton's report of 1849.

454. *Chairman.*] Was not there a complaint that you had a quantity of bark on hand that was not well cured?—Yes.

455. How was it cured?—It was kept too long upon the stages before it was sold; I endeavoured to sell it. I got the best price tendered for it that I could, but Mr. Kennedy thought it was too low, and he desired that it might be stacked. Very bad weather came on, and I think last year for five weeks we had rain every other day; we could not get it into stack, and the consequence was, it got damaged.

456. Was that last year?—Last year and the year before.

457. Had you never housed it before?—No; we had occasionally rucked it before, but we never housed it before; we had orders from Mr. Kennedy to do so.

458. Fault has been found with your mode of thinning; what was your mode of thinning generally?—You must exercise a discretion in thinning. In the exposed parts of the forest you must thin as lightly as possible; we are much exposed to the north-west winds.

459. Mr. *E. Denison.*] What price was it that you were offered for the bark, which was thought too low?—£. 4. 5 *s.* per ton.

460. What price ultimately was it sold for?—I sold about 40 tons of it for 4 *l.* 2 *s.*; 17 tons of it for 4 *l.*, and I have got 90 tons of it now on hand that I have offered at 3 *l.* 15 *s.*, and cannot get it.

461. Owing to its having been injured?—Yes.

462. *Chairman.*] Was not some of it sold as low as 3 *l.* 10 *s.*?—Some of it as low as 3 *l.* 5 *s.* the year before; there was some bark of 1852 which I sold for 3 *l.* 5 *s.* in the year 1853.

463. Mr. *E. Denison.*] Are you in the habit of selling your bark always to the same person?—No; I have always advertised it in some of the local papers, and taken what tenders we could. There are very few tanners in our neighbourhood; there is one who lives about 17 miles from us, and he has generally been our purchaser.

464. Then there is not much competition?—No, there is no competition. The Liverpool people will not buy it, because they get it cheaper from Antwerp and from Brussels. There is great difficulty and much expense in getting it off the forest. I sold it this year at 4 *l.* 5 *s.* upon the ground, but the man pays 10 *s.* and 12 *s.* a ton to take it to Chester.

465. Do you know yourself what the price of bark in other parts of England has been this year?—I know from the returns I see, and I made inquiry about it.

466. What have you understood to be the price?—Five guineas, I am told, delivered; I know that is the price at Liverpool and Manchester.

467. Then, from the position in which you stand, you are very much at the mercy of one or two customers; you say there is but one man who generally gets the bark?—Yes; he has generally been the purchaser, because it is the nearest point to the forest.

468. Mr. *V. Smith.*] Did you ever sell by auction?—Yes; we put up the bark on hand the other day, and we sold two lots.

469. Had you any large quantity of bidders?—Yes, there were half-a-dozen bidders.

470. Were those tanners in the neighbourhood?—Yes.

471. Earl of *Shelburne.*] Have you any regular rule about selling by auction or by private contract?—No.

472. It is according to circumstances?—Yes.

473. Mr. *Compton.*] You say that there were no trees in the forest before 1813, and that the crop of timber is now valued at 135,000 *l.*?—Somewhere thereabouts.

474. Could you have cultivated the land to have produced anything more valuable than 135,000 *l.* in 40 years?—I cannot give an answer to that; it is a growing crop, and there is an ulterior benefit. I know that Mr. Clutton put the ultimate valuation prospectively, in the year 1910, at 600,000 *l.*, or thereabouts; I speak from memory, not having the papers.

475. You stated that you think they have planted more oak than they ought to have planted; are you restricted by the Act of Parliament to grow timber for the Navy?—Yes; that was the reason: I followed orders. I was asked just now whether I did not think it would be more profitable to take another course; but I had

I had no choice; I was to follow orders, and to pursue that object of growing timber for the Navy.

476. You say that the cattle trespassed a great deal; are not your trees of such a size that the cattle will not do them harm?—Ours is a series of plantations; we are constantly planting, wherever a thinning takes place, and wherever the inferior timber, the Scotch, has made the ground better; where we see fern growing, we then plant oak; consequently cattle do a vast deal of harm to those new-planted trees.

477. Mr. *Tollemache.*] You say that there are, altogether, 4,000 acres planted. Do you know what length of time it took before the whole of that portion of the forest belonging to the Crown was planted?—It was nearly all covered with trees of some description when I came to it, 18 years ago; there were no tracts of land unplanted.

478. I understand you to say, that the present timber has been valued at 135,000*l.*: do you know how it was valued?—No; but my son, who is a surveyor, went over it, and Mr. Clutton approved of his opinion very nearly; but the figures will be found in his Report of 1849.

479. You said that the salary of the deputy surveyor is 200*l.* per annum; have you anything in addition?—£.30 for a horse and a house, and 17 acres of land.

480. Earl of *Shelburne.*] With reference to planting oak, to whom is it left to determine how much of the land shall be planted with oak. Is it left entirely to yourself, or is it done in consequence of a special order that you receive upon each occasion?—No, there is no special order; it is left entirely to myself to put in oak whenever the land will bear it. I have stated that I found oak planted in places that I never could have approved of; there are trees now standing of 25 years growth, very little higher than this table.

481. *Chairman.*] The land evidently not being fit for oak?—I think so, evidently.

482. Which Act of Parliament was it that prescribed this land to be planted with oak?—I cannot tell whether it was at the time when the forest was planted or previously.

483. It was an old Act of Parliament?—Yes.

484. Earl of *Shelburne.*] Do you imagine the Act of Parliament to be so stringent with respect to the forest under your management, that when oaks do not get higher than this table after so many years growth, it prevents your grubbing them up and planting anything else?—Not exactly so; but my orders from the Commissioners were to press in oak wherever we could possibly get them to grow. I think that has been carried too far.

485. *Chairman.*] From which of the Commissioners did those orders come?—From the Commissioners of Woods. The visiting Commissioner came down constantly, and I never received any orders from him to stop planting oak. We have kept on filling in oak on the good land.

486. Mr. *E. Denison.*] How long have the oaks of 25 years growth, which are only now the height of the table, been left in that condition to your knowledge?—To the present time.

487. From what time?—From the first planting; they have become stunted; we have planted in amongst them both larch and Scotch, but there they remain; we do not cut them down altogether, but I have cut away a good many.

488. Lord *E. Howard.*] Then when you talk of the value of the timber, it is not oak, but Scotch fir that the forest consists of?—Larch and Scotch fir at the present time, and the prospective value of the oak.

489. *Chairman.*] Have you represented at different times to different Commissioners that the land would not grow oak?—No; I have not made any special representation; but Mr. Milne constantly visited, and we agreed together that we should not go on planting oak in inferior parts, but get larch and Scotch upon the poor land. Certainly many parts of the forest are covered with oak that ought not to have been placed there.

490. Did you and Mr. Milne agree together that you would go on planting oak in places where it evidently would not grow?—No, not in those places; my duty has been to force oak upon the apparently good places; I never think of planting oak where heath is growing; there I plant larch and Scotch fir; Scotch chiefly.

491. Do you mean that, wherever you see heath, you consider that is good proof that oak will not grow there?—I consider so. I find that oak will not grow wherever heath is; wherever fern abounds we press the oak in.

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492. Lord *E. Howard.*] There are no old oak trees in the forest?—None.

493. And none known to have been remembered there?—No, not trees growing in the forest; but when we have been draining on the mosses very heavy timber has been found. There was one remarkable instance of an oak tree having 90 feet of timber in it, which was found in a moss.

494. Mr. *Denison.*] In the best parts of the forest, in the parts most suited to grow oak, what is the height or the size of your oak trees of 30 years' growth?—They measure from eight to twelve inches in diameter six feet from the base.

495. What may be the height?—I cannot tell; 30 feet, perhaps; I never measured them, but I have tried a vast number of them in diameter.

496. Mr. *Compton.*] Is the price of labour high with you?—No, I cannot say that it is; I have not exceeded 2 *s.* a day; I do all I possibly can by piece-work; and in barking the men earn half-a-crown a day.

497. How often do you pay them?—Once a month.

498. Is not that a bad plan?—No; I do not think it is.

499. Could not you get your labour cheaper if you paid them once a week?—No; the shop-people understand it, and allow them to go on to the end of the month; they know when we pay them.

500. Mr. *Tollemache.*] But surely no gentleman in the neighbourhood pays his labourers once a month?—I do not know as to that; it is understood perfectly in the neighbouring villages that we pay once a month.

501. Would not the labourers much prefer to be paid once a week?—They never asked me to pay at shorter periods.

502. Mr. *V. Smith.*] Does not it lead to a system of trust in the neighbourhood?—No; I do not think so; our accounts are made up once a month, and then we pay.

503. Mr. *Compton.*] From whom do you get money to pay them?—From the Commissioners.

504. Mr. *Brand.*] Do you remit to the Commissioners the gross receipts or the net receipts?—The balances, whatever the balances may be, after paying the men.

505. Earl of *Shelburne.*] Are there any common rights over the forest?—None at all.

Edwin Corbett, Esq., called in; and Examined.

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506. *Chairman.*] YOU live near Delamere Forest?—I live near Delamere Forest.

507. Are you well acquainted with it?—Yes; I have known Delamere Forest from the time of the first plantation that was made upon it.

508. There is no large timber upon it?—No. I think it is about 40 years since the first plantation was made.

509. What was it before that?—It was heath and fern, and waste; open ground.

510. There was no timber upon it?—There was some good timber upon the property of Lord Cholmondeley; a farm called the Old Pale.

511. What was the size of the timber there?—I cannot say; there are one or two trees still left. There are some large branching trees there; but there was some very good timber cut down there at times.

512. What do you call "good timber;" how many loads of timber in a tree?—We do not know it by loads, it is by the number of feet. I think the trees were cut at the time the forest was inclosed, and there are two or three trees still left, but they are large spreading trees; they are rather trees that will be ornamental trees for a park than fine timber trees.

513. Then, generally speaking, you would say that the land is not favourable to the growth of large oak timber?—I do not think it is. There are some parts perhaps where it may grow, but I do not think that it ever will grow good timber, because it grows a great deal too rapidly; there are a few spots in the forest where it grows remarkably well, more particularly about the deputy surveyor's house; there are some few trees there that have grown very rapidly.

514. Is it upon sand?—I should think it was; timber grows very rapidly upon sandy ground in Cheshire, but it is very seldom sound timber where it does grow so.

515. It appears that the forest contains now about 4,000 acres, and that the net produce is about 1,000 *l.* a year; do you suppose that if it was converted to any

any other purpose it would yield a greater return?—I should think it would if it had been so converted in the first instance, but I should doubt whether in its present state it would be disposed of; it would of course be a very considerable expense to bring it into cultivation. There is a part of a plantation adjoining Delamere Forest which has been grubbed up, but that has been done only to a comparatively small extent, and it could not be done to the extent of 4,000 acres of forest; that is upon Sir Philip Egerton's property; they have grubbed up the plantation, and he has let it upon what I consider very profitable terms; he has let it for 10 *s.* an acre, and the tenants have put the buildings on for three lives.

516. It appears by the map, that there are two large farms belonging to Lord Cholmondeley in the centre of the forest?—Yes, there is the New Pale and the Old Pale.

517. Do you know the value of that land for agricultural purposes?—No, I do not; but it is very good land.

518. Is not one of the farms nearly 470 acres?—I do not know; but I know it is a good farm.

519. Was that part of the forest originally?—I take for granted it was; but it was inclosed as a farm when the rest of the forest was open, and at the time of the inclosure of the forest Lord Cholmondeley had some right to it, and that was confirmed to him by the Act for a certain period.

520. When did Lord Cholmondeley first get possession of it?—I do not know; it has been in possession of Lord Cholmondeley's family ever since I have known the forest; it is stated in one of the Reports, what the period is for which Lord Cholmondeley has it; I think it is 60 years.

521. After that, does it lapse to the Crown?—It does.

522. Is there not a great deal of timber adjoining the forest belonging to private individuals?—No, I cannot say that there is; I do not think there is any very great deal of timber in that part of Cheshire.

523. Has not Lord Delamere some?—Yes; Lord Delamere's is very different; I do not think Lord Delamere has any very large timber; his is principally hedge-row timber.

524. Do you think that Delamere Forest might be made more profitable than it is?—I do not think it could be more profitable in bringing larger incomes from the thinnings; I should think that, in some instances, there has been mischief done for the sake of being able to get the income which they have got from the forest.

525. You think it has been over-thinned?—I think that in some places it has been over thinned, and the outlay upon Delamere Forest is very large in proportion to the return made; I should think that, in thinning the oak trees, small oak trees have been cut, which are not worth the expense of cutting or peeling.

526. Of what size?—I saw an oak tree or two the other day there, one oak tree that was cut could not have been above 7 feet long, and it was not so thick round as my arm in the thickest part of it; and there was another tree which had been cut in the same place 10 or 11 feet long which, if it had been left, might have stood a chance of making a fine tree; in most parts of the forest, the oak trees are very full of branches, which is very much against their ever making fine straight timber trees for navy purposes, or for any purposes almost.

527. Were those young trees growing amongst the other oaks?—Amongst the other oaks.

528. Were there not oaks enough left after they were cut?—Perhaps you may say there are enough; but still, I think, that they might rather have assisted drawing the others up. But the oak trees in the largest part of Delamere Forest, where they are now growing, are injured by the fir trees growing over them, and when they have been cut, the oak trees have been seven or eight feet high and bushy-headed; and, therefore, it takes a considerable number of years before those trees can make a start, to form anything like timber.

529. They have been made bushy-headed by the Scotch firs between them whipping the tops?—Absolutely overgrowing them. In a large part of the forest, I believe, they were planted entirely of oak in the first instance, because, where there appears to be nothing but Scotch fir, there is here and there a stunted brushy oak and a few larch. Upon the outside of the plantations, where they have room to grow, you see the larch quite as large as the fir.

530. It appears that, under the present management, the net revenue of the forest is not above 5 *s.* an acre, does it appear to you that, under an improved

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system of management, it could be made to yield a larger revenue?—There is really nothing to make a profit of at present, except some fir trees and a few larch. There are a few large larch trees in a few places, but they are so much higher than the oak, that it would be much better if they were cut out. There is nothing to make a profit of. When the fir trees are gone, there will be a great many years before any income can be derived from it. Some parts of the forest have been entirely cleared of Scotch fir; they appeared entirely cleared of every thing. A few days ago I was in a spot where, I should think, from 60 to 70 acres of it have been entirely cleared; that has been replanted for two years together with Scotch firs, and nothing else; and here and there is an oak, perhaps 10 or 15 feet high, that has struggled up, and all the rest have been cleared. Those firs that are planted have been planted in the last two years, in the last autumn and the autumn before that. The planting in the year before last nearly all died, and in more than one-half of the plantation every one of them is dead of the second planting, and upon the adjoining side they are all alive of last year's planting.

531. Mr. *V. Smith.*] To what do you attribute that?—I fancy that it must have been from the first part of the plantation having been made before Christmas, and the other afterwards. If you plant Scotch firs after Christmas, and there comes a dry spring, they are sure to die.

532. Mr. *Compton.*] At what ages were they put in?—I cannot say exactly; but they had one very long shoot, and that shoot is from 10 to 12 inches, and I believe, if they had been planted before they made that shoot, they would have been more likely to have succeeded upon that ground.

533. Have they nurseries in the forest?—I do not know; I have always understood that there is a nursery.

534. You do not know whether those Scotch firs are bought, or whether they are taken from nurseries in the forest?—No; but I am sure if they were bought it would have been much more advisable to have got Scotch firs not longer than my spectacle case, for there are two years' planting completely dead.

535. *Chairman.*] Do you know whether there are in the forest any larch that were planted in the year 1813?—Yes, there are some; I do not think there are many.

536. Are they rotting?—I cannot say; I have heard that on some parts of the forest they are going at the root end.

537. You say that a great number of the oaks have been over-thinned?—Yes.

538. When has the over-thinning commenced?—I cannot answer that; but I went into one of the plantations where the trees had been very unnecessarily cut away. I saw the tops lying upon the ground, adjoining trees which were much branching out.

539. You think those trees might have stayed a longer time upon the ground, and that when thinned they would have been more valuable to cut up?—Yes.

540. You said that Sir Philip Egerton's copse in the immediate neighbourhood had been grubbed; why was that?—I believe it was, because they did not expect it would be very profitable as wood. His plantations had been very much injured by squirrels; they had been bitten in the top, and a great number of them killed.

541. Is that ground of Sir Philip Egerton's of the same description as the forest?—Yes; it is very poor ground covered with heath.

542. Is it poorer than the generality of Delamere Forest?—It is of about the same quality as a large part of Delamere Forest; some of the land in Delamere Forest is of very good quality.

543. Mr. *V. Smith.*] To what purposes is that turned now?—Some cottagers have taken it and built cottages upon it, and they have got four or five acres a piece.

544. That system, of course, could not be well applied to so large a tract of land as 4,000 acres; to what proportion do you think it might be applied?—To a very small proportion, and it would be bringing a population into the country that would be very undesirable; because the people that live in those out-of-the-way places generally become marauders.

545. Mr. *Compton.*] If a portion of the forest were let out in that manner to poor persons who erected cottages upon it, do you think it would be advantageous to the property?—That is a difficult question upon which to give an opinion.

546. Mr. *Tollemache.*] You are accustomed to the habits and the system of payment of the labourers; the plan adopted of paying the labourers employed in this forest has been to pay their wages once a month. We have been told that the labourers experience no inconvenience from being paid once a month instead of weekly; is that your opinion?—No; I should say decidedly the reverse.

547. Do you consider that payment only once a month must be inconvenient to the labourer?—Yes; I think the payment ought to be made once a fortnight; it is almost impossible, except the wages are extremely high, and they have some other great advantages, that the labourer can do well without his wages for so long a period; it leads to their getting things at the shop before they get their wages, which is very disadvantageous to the labourer.

548. You consider that paying the wages once a month is a bad system?—Yes; I think that once a fortnight is quite long enough.

549. Do you consider that the soil of Delamere Forest is adapted for growing timber fit for the Navy?—No, I should very much doubt it if you speak of plank timber, that is, straight timber for planking the outsides; but for internal timber it may do.

550. You have known this forest for many years; do you consider that the system of management has been good upon the whole?—I think the management of Delamere Forest was bad at the beginning; I think it has been rather improved of late years, but it was bad at the beginning; for there was an amazing quantity of Scotch fir planted, and there was no notice taken where they were beginning to overcrowd other trees; the consequence of which is that the oak and the larch are entirely cleared, and a great part of the forest has been replanted in consequence. At one period they cut the Scotch firs into alleys about 10 yards asunder, and they planted a row of oak between them. I had not been over that part of the forest for some time; but when I was requested to come up to attend this Committee, I thought I would go and look at it, and I did so; and my opinion is that those Scotch firs would have met over the heads of the oaks if they had been left; but they have been taken away before they did that; they are now all removed. The distance between the rows of oak trees is about 10 yards. The places of the Scotch firs are filled up with oaks; they certainly at present are making very little progress, and doing very badly.

551. Mr. *Portal.*] Then all the Scotch firs are cut now?—Yes.

552. And the oaks have no nurses?—No.

553. But they are smothering other younger oaks?—No; I do not think the oaks are planted too near; they are about five feet asunder; the rows of oaks were about 10 yards asunder, and the intervals have been filled up with smaller oaks; but I think that the system which has been bad is, that they planted too vigorously grown plants, and when a vigorous plant which has been growing in good land is removed to poor land, it makes very little progress, and if it makes any progress at all it is a long time before it does well; I believe that oaks a foot high would have answered much better than those trees.

554. *Chairman.*] You have seen the reports of last year?—Yes.

555. Have you examined the matter in detail with reference to the dispute as to the prices of labour and other questions, between Mr. Brown and Mr. Lipscomb?—No, I have not examined into that.

556. Can you state what are the ordinary prices paid by other persons in the neighbourhood, and whether there has been any extravagance and waste in paying a higher rate in the forest than is paid by other persons in the neighbourhood?—I do not think the report enters into particulars as to the daily pay to the men.

557. Mr. *Compton.*] You stated that you thought that Delamere Forest would grow good crooked timber?—I do not mean that it would not grow a great deal of straight timber; but I do not think it will ever grow fine straight plank timber.

558. Is not good crooked timber very valuable?—No doubt of it. Adjoining the plantation which I spoke of as having been replanted with fir trees, the fir trees have been thinned out at an earlier period, as being too full; and some of the oaks have shot up to a considerable height, while other trees are not so high by 10 or 15 feet. Certainly a great many years have been lost in the growth of the oak timber, but some of the trees are growing remarkably well. I was quite surprised to see them looking so flourishing.

559. What size are they?—Trees as high as this room.

560. Not timber?—No; it was part of the inclosure at the time of planting Delamere Forest.

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561. Mr. *V. Smith.*] Independently of the instances of the firs you have mentioned, do you think that the general expenditure has been judicious upon Delamere Forest?—No; I think from the beginning it has been very injudicious; I think there were a great many more trees planted than there ought to have been. And in the next place, for a number of years they were not attended to, and it is not surprising that they were not much attended to by a person who was not likely to know anything about it; because I believe that one of the early deputy surveyors was a valet of Mr. Huskisson's, and he was not likely to know a great deal about the management of forests.

562. Earl of *Shelburne.*] You said that latterly they have been better managed?—Yes, there has been more attention paid to them latterly; but I think at the same time that there has been too much striving to get an income out of the forest; and after all, the balance of income is but small; they have expended a very large sum in labour.

563. Mr. *V. Smith.*] With respect to the mode of the sale of the timber, do you think that has been good?—I do not know what plan has been adopted in the mode of sale. I know there has been a good deal of difficulty; you might always get larch and fir trees off the forest by applying for them, but I do not think there is a great demand in the country for them except for the railway sleepers. There is a great demand now for them at a saw-mill upon the Wever for making soap boxes; they cut them up with a saw-mill that they have erected upon the side of the river to make soap boxes. That is carried on to a very great extent; in fact, I see them going every day to this mill.

564. *Chairman.*] Do they use larches for that purpose?—No, Scotch fir.

565. Mr. *Compton.*] Would not it answer for the people belonging to the forest to use a saw-mill for that purpose?—No; because there would be the competition of this one that is already established.

566. Is that one chiefly supplied from the forest?—Yes, entirely.

567. Then why would not it answer for the deputy surveyor to have the timber converted under his own superintendence?—It is a question that, not understanding the business, I cannot answer; but I should think it very unlikely that it would answer.

568. Mr. *V. Smith.*] Is this saw-mill a private speculation?—Yes; it is a mill of considerable power.

569. You say it is chiefly used in sawing up wood from the forest?—I believe, entirely so.

570. Is it a speculation that succeeds?—It has been established two years; it was originally an iron-work; and there is a very powerful wheel upon the river, and it has been converted into a saw-mill.

571. But being a private speculation and being continued, I suppose it has had considerable success?—Yes; I do not know in whose hands it is now. There are some large works upon the river, and I believe it principally goes there.

572. But being a private speculation and apparently successful, and being chiefly used for sawing up the wood in the forest, why should not it answer if it were carried on under the officers of the forest?—I should not think there would be work for both; and I think that a private speculation is much more likely to be profitable than a public one.

573. Earl of *Shelburne.*] Do you think that the one that exists would have succeeded if they had not happened to have mill-power upon the spot?—The mill was erected for making iron plates out of scrap iron, and then it is hammered by a large hammer, which is turned by this water-wheel.

574. Could they put up a saw-mill of a similar description in the forest; or if they put up one in the forest must it be a steam-mill?—It must be a steam-mill.

575. Lord *E. Howard.*] How far is this mill from the boundary of the forest?—It is about four miles; it is upon the side of the navigation which carries off the produce after it is cut up.

576. Mr. *V. Smith.*] To whom does the land belong where the mill is erected?—I do not know.

577. It does not belong to the Crown?—No; it is upon the River Wever.

578. You referred to the appointment of the deputy surveyor; do you happen to know whether the whole management of this forest, including all the expenditure upon it, is left in the hands of the deputy surveyor?—No, I do not know.

579. You are not aware of the visits of the Commissioners?—Some years ago I represented that I thought the management of the forest was not good.

I mentioned

I mentioned it to Mr. Leigh, and he introduced me to Lord Lincoln; and I mentioned the circumstances to him, and Lord Lincoln said he should come to visit the forest next autumn, but he did not do so; he never was there.

580. And you are not aware of any other Commissioner having come to visit it?—No.

581. Do you know whether Mr. Milne visited it periodically?—No.

582. Mr. *Tollemache.*] You have stated that you think that the forest is badly managed; why do you think so?—I saw a great many things upon the forest which I thought were incurring expense, without any equivalent profit. In the first place, where trees had failed in a place not larger than the circle of this table, and where the other trees adjoining them were ten feet high, I saw them filling those little vacancies with trees about three feet high, when it was clear that the adjoining trees would soon meet together, before those trees could get up.

583. Earl of *Shelburne.*] But that system is not at present going on?—No; there is no opportunity. I think those oak trees which have been filled up are generally too much exposed, being upon a hot dry land. If it had been planted with Scotch firs till the trees got 10 or 12 feet high, it would have improved the soil, and would have been beneficial to the oaks.

584. Are any portions of the forest now completely covered with Scotch fir, which you think might have grown trees of a more profitable kind?—There are several spots in the forest now where they have nothing but Scotch fir, or here and there a larch; and now and then, at great distances from one another, you see a small round-headed oak.

585. Do you believe that that portion of the forest so covered with Scotch fir would have grown trees of a more valuable character?—I should say it would, because in some places where they are nearer the road side, or where the firs have been taken away, the oaks are growing very fairly.

586. Therefore, you think that in that respect, and in the selection of the kind of trees that have been planted, the management of the forest has not been so good as it might have been?—Certainly it has not; I can give an instance of it. I saw some years ago that they were planting oak trees, and having been a good deal accustomed to plantations, I knew they would not succeed, and I observed to the men that I thought they were throwing away time in filling up vacancies with trees which it was improbable would come to anything. They said it was master's orders. I said, "Of course it is; I have nothing to do with it." But they were putting in oak trees about four feet asunder, in spaces where they were within a few feet of trees that were 15 to 20 feet high. My observation was, "If you plant those trees there, they never can get up; those others will meet over their heads." But they were absolutely pulling up some trees which had been planted the previous year, and which had shot up a foot from the ground. I said, "If you leave those, they will have a much better chance than those which you are planting."

587. Earl of *Shelburne.*] Is the planting done by contract?—No.

588. Do they employ more labour than you think is requisite?—As to the quantity of labour they employ, I believe the woodmen employed are very few; but, from the returns, it appears that the expense of labour is very large.

589. *Chairman.*] Are the Committee to understand, from your account of the forest, that any practical man going through the forest would see that it was managed by persons who are totally ignorant of the business?—I should think there was no doubt about it.

590. Mr. *V. Smith.*] Are there any cattle let into the forest?—No, I do not think there are.

591. Is there any trespass of cattle in the forest?—No; I think very little, if any; I never saw any cattle in; whenever I see the fences they appear to be in good order.

592. *Chairman.*] There is a large charge for police to protect the forest against breakers-in, either cattle or persons; do you know how they came to be appointed?—Those police were appointed at a time when they had a considerable fire in the forest; there were nearly 100 acres destroyed; and an application was made for four constables belonging to the Cheshire constabulary to be appropriated for the forest, and the magistrates' reply was, that it was impossible, for we had but nine in the whole hundred, and they were for the general protection of the hundred, and therefore they could not afford to let them have four constantly in the forest. Then an application was made to the Board, and they sent down four constables, who I am told now are reduced to two. There was a fire a short

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a short time ago in the forest, but to a very small extent. The parties were pursued by those constables, but they escaped. There was one person seen, but he was never apprehended.

593. Was the cause of that fire known; was it that the people pretended to have rights in the forest?—No, I do not think it is anything of that kind; it is done merely out of mischief, whenever it is done. It may be done partly out of accident and partly out of some general spite. I think it is probable that some of the fires may have originated from some of the out-dwellers in the forest who keep stray cattle.

594. Mr. *Tollemache.*] We have been told that the timber of the forest has been valued, and that the estimate of its value at present reaches as high as 135,000 *l.*, and prospectively as high as 600,000 *l.*; do you believe it is possible that the present trees in the forest can be of so great value as 135,000 *l.*?—No; if they were, I should recommend them to have them cut down and sold, if they would fetch that, and to have the forest planted over again. If the forest had been properly attended to for the last 15 or 20 years after planting, and they had not looked so much to getting an annual income from it, there would have been a very good plantation of oaks almost all over the forest. If the Scotch firs had been taken out, and the larch and the oak had been allowed to get up, and if they had thinned the larch so that it should not do any material injury to the oak, I think they might have got as good an income as they have had, and that they would have had a much better plantation of oak than they now have.

595. *Chairman.*] But still the soil is not adapted to grow large oak?—No; a great deal of it is not favourable soil for growing oak.

596. Earl of *Shelburne.*] Is that because the oak grows too quickly, or because it does not grow at all?—No; when it grows too quickly I do not conceive it can ever be good; but where it grows slowly it is not likely to grow to any great size, but it is much more valuable timber.

597. *Chairman.*] Have you any general remarks that you think it worth while to state to the Committee?—The only thing I should recommend is, that whenever there is a planting of trees, trees of so large a size should not be planted. There is a plantation adjoining the forest which was made a good many years ago; I remember it being made. It was planted by some Scotchmen for the late Mr. Ashton. Those trees were two years old seedlings, and they were put into the ground merely by the spade; and all those trees grew well. And I believe that that plan would answer perfectly well in the forest, and be done at a much cheaper rate. Holeing is much more expensive, and it being sandy, light land, the holes make it excessively dry; it is much sooner affected by frost or heat, and it affects the roots of the trees sooner.

598. Mr. *V. Smith.*] Is there any game in the forest?—No, very little.

599. No underground game?—There may be a few rabbits about, but they were very well destroyed, and there is nothing to injure any plantation.

Colonel *William Tomkinson*, called in; and Examined.

Colonel *W. Tomkinson.*

600. Mr. *Tollemache.*] YOU live in the neighbourhood of Delamere Forest?—Close to it.

601. You have known the forest many years?—I have lived there 26 years.

602. What is your opinion of the system of management adopted in the forest; has it been judicious, or not, upon the whole; first, as to planting?—I should say, very injudicious, Oaks have been planted where they could not possibly grow; and also larch have been planted where they have not grown; they have been rotten at the bottom.

603. Have Scotch firs been planted where other trees of a more valuable kind could have grown?—I think not. I do not think that any of the land where the Scotch firs have been planted would have grown any other timber.

604. Has the system of selling timber been carried out in a judicious way?—I should say not. I do not mean to impute any improper motives, but there has been a great deal of drunkenness and irregularity amongst the men in disposing of the timber.

605. Is the timber generally sold by contract?—The timber is drawn out in heaps in the rides, and it is bid for either by measure or by the heap, so many trees or so much per foot.

606. We

606. We have been told that the system adopted of paying the labourers has been to pay their wages once a month?—It has.

607. You know how labourers, generally speaking, are paid in that part of the country; do you think that that is a good system of payment?—Decidedly not; it is much better to pay them by the week or by the fortnight; but I think there is a very good excuse for paying them only once a month, for Mr. Lipscomb lives in a very retired situation, and he was in the habit of receiving the money, about 60 *l.* or 70 *l.*, and having it on Friday night in his house, and keeping it there all night; and I represented to him that it was an invitation to people to rob him, and now he sends for the money on a Saturday morning, monthly, to pay the labourers. He sends his own horse for it to Chester, 14 miles, and it would be rather inconvenient to send every week. Therefore, I think there is some excuse for paying the labourers once a month.

608. Mr. *V. Smith.*] Do you know whether the labourers complain of it?—I do not; but the labourers employed in the forest receive 2 *s.* a week more than the common pay of the labourers; they are always better off than the generality of labourers; they receive 12 *s.*; the common rate of labour with us is 10 *s.* a week.

609. Does not that delay in the payment of the wages tend to involve the labourers in a system of credit with the neighbouring shopkeepers?—The shops always give them credit to the end of the month, and I never heard any complaints from the labourers.

610. Is not that a mischievous system?—It is objectionable, no doubt.

611. You spoke of some laxity and irregularity among the men with respect to the sale of the timber; do you mean by that that the men have perquisites, or that they commit any frauds in the sale of the timber?—Yes; I think it has been checked latterly; but the common system of disposing of the timber in the forest has been to bring the timber-carriage into the ride, and then to load the timber; and in the loading of the timber there was always drink brought from the public-house, the "Abbey Arms;" and there was generally drinking going on in the rides whilst the timber was being loaded; and there is no doubt that the timber merchants, who provided the drink, had some benefit from it.

612. But that is now put an end to?—I think an end has been put to it the last two or three years.

613. Have you ever known any great extent of trespass by cattle in the forest?—To a very great extent.

614. Does that continue, or has it been checked?—It has been discontinued for the last year or two, since the forest policemen have been appointed. But the people on the Norley side carried their trespass to such an extent at one time, that they claimed the right of pasturage in the forest.

615. Did that arise from any notion that they had an old right to that claim?—None whatever.

616. It began illegally, and it was continued in that manner?—It began illegally. Mr. Lipscomb put them in the county court.

617. What was the result?—It quashed all pretence to any claim; but they did not discontinue the practice. The practice was only discontinued about three years ago, when the policemen were sent there in consequence of fires which had happened in the forest.

618. Had the persons employed in the forest any rights of feeding cattle?—All the woodmen in the forest had cattle, which they pastured in the forest.

619. And that was allowed?—It was winked at.

620. How far did that extend; did they all do it?—They all had two or three cows.

621. Did that extend as high as the surveyor?—Certainly.

622. It was a permitted perquisite?—It always was so.

623. Do you know whether it was ever objected to by the Commissioners?—Never. I do not know that they knew it. Mr. Milne used to come down for a couple of nights annually to inspect the forest, and he lodged with Mr. Lipscomb.

624. At that time were the cattle driven out?—The cattle were put in at night, and brought out in the morning.

625. So that he had not an opportunity of seeing them?—No; if Mr. Milne had exercised his observation he might have seen the droppings. In the daytime the cattle were generally removed; but they were to be seen on Sunday in great numbers.

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626. Mr. *Tollemache.*] Then they must have injured the trees?—Certainly, the young plantations.

627. Mr. *Compton.*] Are there any forest officers in the Forest of Delamere?—There are those constables that were sent down by the Government.

628. If a labourer is brought before you for stealing little portions of wood, have you any power of punishing him?—Perfectly; they are brought before me as a magistrate.

629. If a person takes a piece of wood which has been severed from a tree, and he is brought before you as a magistrate, all that you can do is to commit him for the felony, but you have no power of punishing that man summarily?—Only by the general law of the country. There is a summary punishment for destroying the trees, but there is no power under the Delamere Act.

630. Mr. *Tollemache.*] Do you consider that the forest is capable of growing timber fit for the Navy?—I should say decidedly not.

631. Do you think that any portion of the land might be converted to more profitable purposes than the growth of timber?—I should say that, if the forest never had been planted, it would have been for the advantage of the Government to sell it in farms; whether it is desirable to remove all the timber off it now, I will not say; but there is no doubt that the timber grown upon the light land of the forest is not nearly so good as the timber grown upon the clay land; I myself have experienced that, in felling trees for certain purposes off the same land as the forest land, I have been obliged to fell the timber from the clay land because the timber upon the light land was so inferior; it had such a quantity of sap in it.

632. Do you think that any portion of the forest which is now growing trees of an unprofitable kind, could be turned to better account than at present?—Yes, I do, certainly; I think the forest will grow timber quickly, but it will not grow timber that will be ever available for the Government.

633. At the present time the revenue derived from the forest amounts to about 5*s.* an acre: do you think that more than 5*s.* an acre could be obtained for large portions of the forest by turning it to agricultural purposes?—Decidedly; a great portion of the land of the forest is very good land for agricultural purposes; some of my own land was part of the forest before the inclosure, and I let it for 2*l.* an acre.

634. Do you think that any considerable portion of the land in the forest is equal to that which you let for 2*l.* an acre?—Certainly; I let a farm of 100 acres above the forest for 200*l.* a year at this moment.

635. Mr. *V. Smith.*] Of the same soil?—Yes.

636. How long has that been grubbed up?—It never was planted; it was an allotment to the estate in right of a sheep-walk belonging to the estate.

637. But it was part of the forest land?—It was.

638. Mr. *Compton.*] When you say that timber growing fast would never be fit for navy purposes, does not that depend entirely upon the age?—No; I think upon the properties of the timber. In Cheshire, the timber merchants in Knutsford will give less by 1*s.* or 9*d.* a foot for timber off the light land than they will for timber off the clay land round Knutsford; there is a great deal of sap upon it, and it is very frequently what we term shaken. I do not think that any land in Cheshire will grow valuable oak timber excepting the clay land.

639. Mr. *Tollemache.*] Do you consider that the thinning and re-planting is carried on judiciously in the forest?—I should say not.

640. You frequently ride through the forest; should you say that the labourers generally appear to be doing their duty well?—I should say not; I think the lookers-over are not efficient.

641. Mr. *V. Smith.*] Do you know who appoints the lookers-over?—The surveyor, Mr. Lipscomb; the whole is under his entire management.

642. Mr. *Compton.*] How many overlookers are there?—There is one head man, and about six or seven woodmen, who have cottages, and who overlook the gangs.

643. And of course they are paid at a larger rate than the labourers?—Yes; they have a cottage, a garden, and a quantity of land; the situation is a very good one.

644. Mr. *V. Smith.*] You heard the evidence of the last witness, and you heard what he said about the manner in which a portion of the property of Sir Philip Egerton has been dealt with; do you think that would be an advantageous way of dealing with any part of the forest?—Yes, if you could get it taken to any extent; but I think the difficulty of letting it off in small plots would be very great, and it would be very expensive.

645. You would prefer distributing it into farms of 100 or 200 acres?—Yes.

646. Do you think there would be an ample demand for it?—For all the good land, but not for the inferior land.

647. Could it be so distributed as to put portions of the inferior land with the good land, so as to make the holdings desirable?—I think that most of the good land lies together, though this can only be ascertained by means of a survey.

648. Can you give the Committee any idea what proportion of the 4,000 acres in the forest would be good land?—I should say about half.

649. Mr. *Compton.*] On that land the timber grows well?—Yes, on good land the timber grows well; but a great many of the larch which have been cut are decaying at the roots.

650. Mr. *V. Smith.*] Do I rightly understand you to say, that in spite of the good growth of the timber upon the good land, you still think it would be more advantageous to convert it to other agricultural purposes?—Yes.

651. And that it would pay for felling the timber and grubbing up the underwood, and the construction of farm buildings?—Yes.

652. Mr. *Tollemache.*] I understand you to say that although a considerable portion of this land would be very valuable for agricultural purposes, it is not adapted to grow timber for the navy?—It is not.

653. Mr. *Portal.*] Do you think that the timber, if it were now cut, would pay for the felling and grubbing and the erection of farm buildings?—It would, if you did not grub a great quantity at a time; but if you went to grub up 1,000 acres at once, it would overstock the market.

654. Mr. *Compton.*] Can you give the Committee any opinion as to the value of the present crop of timber?—Not the least; I should think that the sum that was mentioned, in a question to Mr. Corbet, was very much overrated.

655. Mr. *V. Smith.*] If the present value of the timber in Delamere Forest were stated to be 198,000*l.*, and the prospective value 600,000*l.*, should you think that a correct estimate?—I should think it very incorrect.

656. Have you any notion of what would be a fair estimate?—I should think not one-fourth of that; I was asked about the value of the land in the forest; I think Lord Cholmondeley's farm, called the New Pale, is a very fair specimen of the value of the best land in the forest; that for many years has certainly been worth 2*l.* an acre; Lord Cholmondeley does not get 2*l.* an acre for it; but it has been most valuable potato land, and the farmer who lived there formerly made large sums of money by his potatoes.

657. *Chairman.*] Do not you consider it a very fallacious way of speaking of the value of timber, to value it at a money price, instead of considering the number of trees or the quantity of timber upon the land?—Certainly.

658. You would compare the quantities of timber at two different periods, and not the money value at two different periods?—Certainly.

659. It has been stated, that there is no more timber now upon this Delamere Forest than there was 20 years ago; is that your opinion?—Of course there is 20 years' growth added to it; I should think there is more now than there was 20 years ago, because the thinning has improved the remainder of the timber.

660. Earl of *Shelburne.*] In calculating the value of timber properly, would you not take into consideration any circumstances that might give a few years hence an additional value to the timber; would it not be an ingredient in the calculation to consider whether the timber is likely to become more or less valuable after the lapse of a certain number of years?—I can only say, that I think that estimate which has been mentioned, of the present value of the timber, is very much overrated, and whether it would be more or less valuable per foot a number of years hence, I think it is impossible that anybody can say.

661. Lord *E. Howard.*] The forest being near to a navigation and not far from Liverpool, is there any particular kind of wood which has not been much grown, and which you think could be advantageously grown in the forest?—I do not think there is.

662. Mr. *Compton.*] You do not think there are any particular advantages connected with the situation of the forest?—I do not.

663. *Chairman.*] Is there anything that you would suggest with reference to the best mode of dealing with this property, in order to make it more productive to the public?—I think, if the property belonged to any private individual, he would lease a portion of it for a certain number of years to clear the timber and place it in a state of cultivation, tying down the tenants to erect certain edifices upon it; I think he would not continue to grow timber upon it.

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664. Is there not all through that country a quantity of marl very near the surface?—There is.

665. It is easily raised?—Yes.

666. That would be another ingredient in the recommendation which you have made?—Yes; it is got, I believe, at very considerable expense in parts of the forest, because it lies deep; but when it is obtained, it is exceedingly valuable.

667. At what depth does it lie?—From 6 to 8 or 10 feet, and down to 40; and the lower it lies the better the marl is.

668. Of what depth is the marl bed?—It varies very much, and stone very often intervenes.

669. Is the stone building stone or limestone?—It is not limestone, it is red sandstone; the stone is of very little value.

Veneris, 23° die Junii, 1854.

MEMBERS PRESENT.

Mr. Drummond.	Colonel Clifford.
Mr. Evelyn Denison.	Mr. Vernon Smith.
Lord Edward Howard.	Mr. Compton.
Lord Harry Vane.	Mr. Fitzgerald.
Earl of Shelburne.	Mr. Tollemache.
Mr. Chichester Fortescue.	Mr. Brand.

HENRY DRUMMOND, Esq., IN THE CHAIR.

The Right Honourable *Thomas Francis Kennedy*, called in; and Examined.

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670. *Chairman.*] WERE you lately one of the Commissioners of Woods and Forests?—I was.

671. When were you appointed?—In September 1850.

672. Mr. *E. Denison.*] When you entered upon the duties of your office, what did you find to be the state of the returns from the Royal Forests in the way of revenue?—They varied from a considerable deficiency to a small surplus, and then that surplus increased a little more.

673. Does that answer apply to the Woods and Forests?—Strictly to what are denominated Woods and Forests.

674. Mr. *V. Smith.*] Not including the other land revenue of the Crown?—Nothing of the sort. I am now addressing myself to the subject of the Royal Forests and Woodlands under my charge, of which, if it is the pleasure of the Committee, I will give them a list. Windsor is here included, which is not under me; it was for one year, while the late Board existed, from 1850 to 1851. But as to all practical points of inquiry which can be now under the consideration of this Committee, Windsor is excluded; and the forests under my charge are those which are specified minutely in the warrant of the Treasury: New Forest, Dean Forest and High Meadow Woods, Bere Forest, Parkhurst Forest, Holt Forest, Woolmer Forest, Waltham Forest, Salcey Forest, Whittlebury Forest, Wychwood Forest, Delamere Forest, and Chopwell Woods.

675. Mr. *E. Denison.*] Will you inform the Committee in a concise manner what you found to be the condition of those Royal Forests, and will you add, in the way of explanation, what you think necessary to say with respect to their management?—During the first year, while I was member of a Board, I certainly felt much diffidence in acting, inasmuch as I had to act with persons of more experience than myself in the office. But at the same time I found a very serious responsibility resting upon me, and during that year I did all I could to learn the mechanism of the subject, if I may so speak, both in the office and in the country; and certainly the result of my consideration of these matters was that the administration in the office in London was very inefficient; that the management in the country was very objectionable, as demonstrated by the results in a pecuniary sense; and of course it was my duty, as far as I could, to investigate the causes which produced results which I thought so unsatisfactory. Therefore, in answer to the question of the Committee as to what I found

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I found to be the condition of the forests, I cannot hesitate to say that that condition was, in my mind, very unsatisfactory. But when I make that general statement, I must be allowed, of course, to remark that some were more unsatisfactory than others; and that, while deficits arose in some forests, there were some small surpluses in others. Then when, under the warrant of the Treasury, in 1851, the entire responsibility devolved upon me, I felt it necessary to address myself to the subject much more closely; to go into a number of the forests, though not into all, and to understand the practical detail, as far as I was able, on the spot. I certainly felt that the management was very unsatisfactory, because it produced unfavourable results; and my object was to consider how that management could be improved, because I not only felt the responsibility that rested upon me, but I was frequently reminded of such responsibility by communications with the Treasury, and in other ways.

676. You have mentioned the Treasury; how do you consider you stood in point of responsibility with relation to the Treasury?—The statute says that a Commissioner of Woods is to obey the *orders* of the Treasury. That I consider to refer, not to anything that does not assume the shape of a specific order; but that when the Treasury send a written intimation of their decision on a particular point, it is not for the Commissioner to question it, but to obey it; but that unquestionably where there is responsibility, there must be the exercise of a very large discretion.

677. What course did you then take to inform yourself more accurately of the condition of the different and respective forests; did you visit any of them personally?—I visited the New Forest, Dean Forest, Hainault Forest, Whittlewood Forest, Salcey Forest, and Hazleborough Park, which is a detached place connected with Whittlewood Forest. I did not visit Wychwood Forest. I visited Alice Holt Forest; Woolmer Forest I knew from previous knowledge; Bere Forest and Parkhurst Forests I did not visit.

678. Will you proceed to state to the Committee what you found to be the management of those forests?—It strikes me that it might be beneficial, if the Committee would permit me, to state one or two other points previously, and then I will go locally to the different places; and I think I could bring out some result. With the permission of the Committee, I would state that, in the administration of affairs like these, it struck me that there were certain principles involved, without which it was quite impossible that there would be anything approaching to a satisfactory administration of rural affairs, involving immense details and very considerable difficulties. It seemed to me that, on the one hand, there must be confidence reposed in the Commissioner; that if confidence was not reposed, he ought not to be a Commissioner of Woods; then that a very considerable power must be exercised by the Commissioner who was held to be responsible; that responsibilty inferred power, for without power there could be no responsibility justly founded. I considered those principles essential in the conduct of business so important; that those principles must apply to the relations between the superior authority, namely, the Treasury, and the Commissioner; and equally also between the Commissioner and those subordinate instruments by which alone he could perform his duties. The management of the forests was of course extremely various in so many places, situated in so many different parts of the country, and under the control of different persons. If the Committee will permit me, I will take them up somewhat in the order in which I endeavoured to deal with them. I began with what I might call the smallest one, which was Chopwell Woods, in the county of Durham, which had undergone a good deal of consideration by Lord Duncan's Committee. Evidence was taken upon it, and there was a report upon it by Mr. Clutton. The result of the consideration of those documents in my mind, knowing the general character of the country, although I had not then been there, was, that a conclusion had been arrived at which I could not approve of; namely, that this property was in so wretched a condition that the only remedy was to sell it. I felt that, if it had been my own private property, I should have had no kind of difficulty in managing it in a way quite satisfactorily to myself; and so, instead of endeavouring to escape by throwing the property away, I determined to attempt a restoration of that property, and I formed an opinion as to the manner in which I would do so. Accordingly, I endeavoured to procure some advice, to test the folly or good sense of my own opinion; because, if I was mistaken in any impressions I had formed, I had no desire to persevere in them;

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and I know that, if I was myself made a deputy-surveyor, I should make a very bad deputy-surveyor, but as a Commissioner, I felt I had experience and capacity sufficient to administer a property of this sort. I applied to a gentleman in the North, a very eminent person in his way, Mr. Brown, and requested him to report upon this property. He gave a report satisfactory to my mind as to the mode of proceeding. I sent that report to the Treasury, requesting authority to proceed in the manner that I wished to do, because it was on a principle at variance with the common administration; because I wanted to cut down nearly 800 acres of extremely bad wood, which was growing upon extremely wet land, where it was quite impossible it could ever prosper. The Treasury referred that report to Mr. Clutton, the former adviser of the Treasury upon these matters, who had reported formerly, and he adhered to his previous opinion, that the best course would be to sell it, and that it was unadvisable to follow out the view that I took. That did not at all satisfy me; but after a certain time, during the late Administration, I received a letter from Mr. Hamilton, the then Secretary of the Treasury, deciding that this property ought to be sold, and not dealt with in the way that I proposed. I felt perfectly ready to obey the order of the Treasury, and should have proceeded immediately to do so; but inasmuch as I very much differed from them in opinion, I took the liberty of recording my entire dissent from that decision by a letter addressed to the Treasury, and gave my reasons, that I thought the property could not be sold, except at a very great sacrifice, especially as there is underlying the surface a very large body of coal. That in my opinion also, the surface might be cultivated in connexion with the eventual working of the mineral, so that one should very much enhance the value of the other, young timber being much wanted in the working of minerals; and that then there would remain on the ground a very valuable crop of larch, which was what I proposed to plant as the only suitable thing, the place being totally unfit for oak.

679. Whereabouts does this property lie in the county of Durham?—It lies on the River Derwent, which flows into the Tyne about six miles above Newcastle; it is about 10 or 11 miles from Newcastle-upon-Tyne. I think I wrote that letter to the Treasury when I was in Scotland in the autumn, and nothing followed upon it until after the administration changed; and then, as a consequence of what I think the unfortunate system of the administration of the Woods and Forests, that the authority over the Commissioners of Woods is constantly changing, the subject came under the supervision of Mr. Wilson, the person who succeeded Mr. Hamilton as Secretary of the Treasury; and he issued an instruction to me to proceed as I had originally recommended, namely, to adopt the suggestions of Mr. Brown, and carry them into effect. This decision certainly was very satisfactory to me, because it entirely accorded with my own opinion; and I felt that this was an instance in which the Treasury were prepared to sanction the execution of my duties in reference to this property in a manner highly satisfactory to myself.

680. What was the improved management suggested by Mr. Brown?—In the shortest terms in which I can state it, it was to reserve some hundred acres which he thought it was possible might be made tolerably good wood, but to cut over in the course of three years entirely 779 acres of very worthless wood growing upon land saturated with wet to the greatest degree, and to drain that land in a manner proper for planting, not very expensively, by surface drains costing about 30*s.* an acre; to plant the entire place with larch, which should give a constant thinning during the whole period of growth up to the age, I think, of 60, giving a valuable progressive crop, and a very large annual value by the ultimate felling of the whole trees. That was the principle of the improvement which I myself had conceived; but I referred to Mr. Brown as a man of experience with reference to the growth of larch.

681. Had you any estimate formed by a competent coal viewer as to the value of the minerals under the estate?—There is a report by Mr. Soopwith, a very eminent man, upon the subject. I cannot, without reference, tell the Committee the exact purport of it. It states there are many hundred acres of coal, and a part of it is now being worked by lease to the trustees of the Marquis of Bute; that is, the minerals under 50 acres, approached by an adit from Lord Bute's present colliery, beyond the boundary of the forest, so that the forest is not broken.

682. In the case of this particular forest, on an appeal to the Treasury, the

opinion

opinion of Mr. Clutton, the former adviser, was not approved of, and the suggestion that you made was approved?—The final decision was to that effect.

683. Mr. *V. Smith.*] Was that upon appeal, or upon a change of Ministry?—There was first a report by Mr. Brown; then a report by Mr. Clutton upon that; then Mr. Clutton's report was referred to Mr. Brown again, who made an elaborate report; and then Mr. Clutton made a reply, and it was upon the consideration of the whole of those documents that the matter was decided.

684. Mr. *E. Denison.*] Have you anything further to say with respect to that forest, or will you now proceed to some other forest?—With the permission of the Committee, I will make a very few observations.

685. What has been done in consequence of this decision by the treasury?—I was authorised that Mr. Brown should find a competent person to carry this work into effect, for it was impossible to have it done, unless you had a competent person in whom Mr. Brown could confide to carry his views into effect. Mr. Brown was authorised to engage a Mr. Thomson, who was sent there to succeed the then deputy surveyor, who was certainly a very incompetent person; Mr. Thomson proceeded, in the month of May 1853, to commence his operations, and in the beginning of August I visited Chopwell Woods for the first time.

686. *Chairman.*] Was that after Mr. Prettyjohn was dismissed?—Yes, Mr. Prettyjohn left in May 1853; Mr. Thomson succeeded instantly, and I visited Chopwell Woods in the August follwing.

687. When was Mr. Prettejohn appointed?—He was appointed by Lord Seymour; he was transferred from Woolmer Forest, where he had been a woodman, to Chopwell Woods, in 1851, I think; so that he was only there a year and a half, or about that time. I visited Chopwell Woods, and I found about 200 acres of the wood cut down, and the ground preparing for future operations. In order to make my answer as concise as possible, I may state, that I certainly was very highly satisfied with the progress of the works. I have had still more reason to be satisfied with them since, because the estimates that were formed of the produce have been exceeded by the result. The expense has, I think, not exceeded the estimate; it rather came under it. Consequently, the scheme I formed is likely to be realised beyond my expectation; namely, that a considerable sum of money would be realised in the regeneration of this small property, and at the same time it would be put in a state of very flourishing condition for the future. Something under 200 acres have now been cut down, drained, and planted. The income for the year is, I think, somewhere about 1,600*l.* from the wood alone, over and above all the expenses; whereas the estimate was only about 600*l.*; and that has arisen from the excellent market near Newcastle for produce of that sort for the collieries. Therefore I consider that, so far as the first year has gone, the proceedings in reference to Chopwell Woods have been eminently satisfactory.

688. Mr. *E. Denison.*] The proceedings of one year would be a good guide for future years, would they not, if the produce of the wood cut down has not been over but rather under-estimated, and if the expense incurred has also not been over-estimated?—The result of the first year is an excellent test of what is likely to be the case in future years. The second year is now in progress; and I had, before I left the office of Woods, an estimate made of what was likely to be the result of the debtor and creditor account for the year 1854.

689. *Chairman.*] What was there to be done different from what had been done before; all that was to take place was a continuation of planting larches and draining?—The former management was this, that there was a sort of irregular thinning; a thinning of wood, which by no possibility, by the consent of all parties consulted, could ever arrive at any valuable condition; therefore my principle was to cut it over.

690. It was recommended before Lord Duncan's Committee that that forest should be planted with larch, for the purpose of selling them to the mines?—It was certainly not recommended to plant it *all* with larch. My principle was, to have a uniform crop of larch, and nothing else, because oak never can come to any value.

691. Mr. *Fortescue.*] You said it was proposed to sell Chopwell Woods Forest, because it was in a hopeless condition; was it not rather because it was supposed not to be suited to the growth of oak?—That might be an additional consideration, and I have no doubt was an additional consideration; but I think the main

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argument used was, because it was a property that would be extremely difficult to make productive in any way.

692. Do you suppose that a large sum would not have been realised by its sale, with the oaks standing upon it?—I have a very strong opinion that it would be impossible to realise any considerable value, and the estimate of the value was extremely small. My reason for thinking that it would sell very badly was this, that it was not proposed to sell the minerals; and it appeared to me that no wise man would purchase land at a very high price, with a view of building a residence upon it, if he was liable to have a coalpit put down in his garden, or anywhere in the neighbourhood; and that if there was a reserved right to work the minerals, it would be entirely destructive of the value of the surface as a matter of sale; and if the Crown were to undertake to pay the surface damages for working all those minerals, then again they would have to pay something enormous for the exercise of the right they at present possessed. Therefore, if the Honourable Member will refer to the letter which I wrote to the Treasury, in which I objected to the decision to sell the property, he will see my reasons set forth far better than I can now state them.

693. I understood you to say that you thought it unadvisable to sell the property on account of the minerals, but it was the case that it was intended to reserve the minerals?—That was the principle upon which it was proposed. I never heard that it was proposed to sell it out and out, minerals and all.

694. It was intended to make what could be made of the surface with the oaks standing, and reserve the minerals?—Yes; it not being considered that the state of mineral property and the mineral market at that time was such as to make it advisable to force the coal; that would come afterwards.

695. Mr. Hamilton proposed this sale, did he not?—He was the gentleman in office who signed the letter which I received upon that subject, certainly.

696. *Chairman*] And the next secretary objected to it?—The next secretary formed a different opinion, and instructed me accordingly.

697. Earl of *Shelburne.*] How far does the Act of Parliament applying to other forests apply to Chopwell Woods, with reference to the planting of oak?—I think it doubtful whether it does apply, because Chopwell Woods is a mere common fee-simple property; it has none of the characteristics of a Royal Forest.

698. Colonel *Clifford.*] With reference to the growth of larch, have you found that it will grow with any profit in wet land?—I should say it is highly inexpedient to grow larch on wet land, if you leave it wet, but if you make it dry, which is remarkably easy at Chopwell Woods, then I should say Chopwell Woods was an exceedingly good place. On the dry spots, where there are a good many larch, they are very good indeed.

699. Supposing the land to be drained for the purpose of planting, after the larch grows to a certain size will not the roots of the larch utterly destroy the drains?—No; they are only open drains. I never should think of draining land of that sort with tiles.

700. Mr. *E. Denison.*] Will you proceed to the next forest?—Having dealt with Chopwell Woods in the way I have mentioned, which was the first case in which Mr. Brown had done anything for me in a professional sense, I was so satisfied with the good sense of his reports upon Chopwell Woods, and so dissatisfied with the condition and management of Delamere Forest, that in the spring of 1852, I requested Mr. Brown to proceed to Delamere Forest and give me his opinion of it. Mr. Brown's report, instead of being highly unfavourable as to Delamere Forest and what could be made of it, gave a very good opinion of what could be made of it by good management; but stated that it was very badly managed, and that it was far less productive of income than it ought to be; and that an improved income would proceed *pari passu* with an improved system of management. I had certain reports from him upon that subject; and upon consideration of them, I desired him to go a second time into Delamere Forest to see the deputy-surveyor, and to arrange for the execution in the year 1852 of the plan of management which Mr. Brown recommended, and he did so.

701. In Delamere Forest, in what respect did the new proposal differ from the old system?—At that time I had never seen Delamere Forest, and all I can say upon that point is this, so far as there was any official knowledge, there was no knowledge of anything like systematic treatment under the old system. Mr. Brown's reports and opinions laid down a distinct precise system, which it was quite possible to put upon paper, and quite possible to execute in the

the country; but I know very well the difficulties of getting a person who has long been accustomed to his own habits to adopt new ones; and that if I was to correspond with the deputy-surveyor, or Mr. Brown was to correspond with him for many months, it would probably end in misunderstanding. The consequence was, I desired Mr. Brown to go to Delamere Forest, and by personal intercourse with the deputy-surveyor, to arrange for the system of management which I had decided should be carried into effect, in the month of May 1852, and it was just in time to do it. Mr. Lipscomb, the deputy-surveyor, represented that the thing could not be done, and that the results could not be realised. I confess, from my experience of Mr. Lipscomb, by official correspondence for the previous year and a half, that did not at all startle me, because I thought he was excessively incompetent to conduct the improved system of management. I therefore insisted upon the thing being done. Then, in the month of August, as I was proceeding to the north for a short holiday, I made a point of going to Delamere Forest, and seeing it. I certainly made a very short visit to it, but quite long enough to see the state it was in, and to see the spirit in which Mr. Lipscomb discussed the various subjects. He certainly did not imagine that I knew much about the matter, or show much disposition to attend to what I said. Delamere Forest divides itself into two parts; the one, land, which may or may not be fit for the growth of oak of the *best* quality. But I see no reason why there should not be very tolerable oak timber grown there, if well managed. Then again there is another part of that forest which consists of peat; and it was one of the circumstances that occurred while I was there, with reference to this peat, that certainly formed one of the strongest grounds of my opinion as to Mr. Lipscomb's incapacity for the management; there were large parts of it where he had cut out all the *best* of Scotch fir, because it was planted with Scotch fir, which was probably the only thing that would grow to any avail at all; to have oak would be perfect folly; but he had cut out the greater part of the Scotch firs that were of any growth at all; and I do not say that he was wrong in doing it; but he had left a quantity of little wretched things, the weeds, if I may so speak, of the firs, and he said he meant to leave them and let them grow, and fill in between them. I, from my knowledge of such matters, said that was a most inexpedient course of proceeding, for he was leaving things that never by possibility could become large; and I said, "No, you must not do that, you must cut them all down; they are not worth cutting, and not worth leaving; but take them away you must; they are a disgrace to the place; and the only possible way you can do it is, to cut them smack smooth, and plant the whole thing up with little trees, which should grow up altogether." That is illustrative of the want of practical knowledge of the person who had the sole management of this place; and the manner in which he treated and discussed my views upon this subject satisfied my mind, "there is really very little use in talking to this gentleman, because he will not admit I know anything about the matter; or admitting it, he will not do it." Then I left Delamere Forest very much dissatisfied, I must say; it was a very unpleasant visit. I said, "What is to be made of this?" I did not want to disturb Mr. Lipscomb; I could have no enmity to Mr. Lipscomb; but I had a very considerable anxiety that a property of this kind should not continue to be mismanaged; some of the oak wood was a great deal overthinned, and a quantity of it was pruned in a way that I objected to; it was pruned in a way sure to damage the trees.

702. What was the result?—I came back to London, and there was a certain official correspondence for a certain time. The estimates for the year, so far, realised my expectations; but in the whole system of management there was a total want of energy; there was no effort made to sell either wood or bark, or anything else, in a way essential to realise the value.

703. What was done?—The result was, that a very uncomfortable correspondence took place about framing the estimate for the next year, in which he totally neglected to do what I desired him. At last it was done; I obliged him to form an estimate according to my views; but then I could not be at all certain that, because the estimate was formed, the results would be realised; and, from less to more, I came certainly to the decision that it was quite folly to think that Mr. Lipscomb ought to remain at Delamere Forest, unless the public interest was to be sacrificed. I should certainly have proceeded earlier than I did to remove Mr. Lipscomb, and endeavour to procure a competent successor; but a very formid-

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able controversy had arisen about Dean Forest and other places with reference to Mr. Brown, and Dean Forest had itself become vacant. A long period passed without Mr. Machen being allowed to go away and a person supplied in his place, and I thought it injudicious to create a vacancy in Delamere Forest without some certainty that a proper man would be appointed in the place; and therefore I delayed taking any step on that subject until, at a future period, there was a settlement in Dean Forest; and from what passed between me and the Chancellor of the Exchequer at that time, I inferred that my recommendation in finding a successor (I wished to exercise no patronage) would be attended to; and then I took steps to remove Mr. Lipscomb, in the hope that a competent successor would be sent there. Nothing was done whatever. I removed Mr. Lipscomb, and I reported that to the Treasury, and asked if I should endeavour to find a competent successor for their Lordships' consideration. I received a prompt and immediate reply from Mr. Wilson, intimating to me that I was to do nothing of the sort; that it was their Lordships' duty to find a successor.

704. Was that the conclusion of matters as regarded Delamere Forest?—Then Mr. Lipscomb remonstrated with me, and then he presented a memorial to the Treasury, which was referred to me, and I reported upon it, strongly stating my opinion upon the subject, and there the matter rested, excepting that all this took place so late in the season, that a question arose as to what was to be done in the forest, whether any trees were to be cut in the year 1854 or not; if you cut no trees there could be no income, and there certainly would be expense. My own inclination was to have stood still and rather have had a small loss for one year; however, the Treasury informed me to desire Mr. Lipscomb to go on as usual, from which I inferred it was the intention of the Treasury that he should not be removed; that is, that in spite of my removing him, they would continue him; there the matter ended.

705. Mr. *Tollemache.*] You stated that Mr. Brown recommended that a particular system should be adopted as regards Delamere Forest; what was that system?—I think I may correctly describe it by saying, that it was putting it under a sytematic treatment, a certain degree of thinning performed with regularity, and having the forest laid out into a certain number of sections, by which the thinning should go round from one to another, and then at the end of so many years come round again. The truth is, if the Honourable Member will take the trouble to look at Mr. Brown's report on that subject, he will find a most minute description of the system laid down.

706. Was Mr. Brown there for any length of time?—He was there once when I sent him first he reported upon the place, having made an elaborate investigation. He went back in the month of May to settle the practical execution of what he recommended by my orders, and then again I made a point of his meeting me in August, in order that we might discuss the subject, and have no misunderstanding; because I felt that by having Mr. Brown and Mr. Lipscomb and myself present at one and the same time, we could do more business in one hour than by corresponding for three months.

707. Did he recommend that any portion of the forest should be applied to agricultural purposes?—Not that I remember.

708. Did he make any inquires in the neighbourhood as to what price land of a similar kind was letting for?—I cannot answer that question.

709. Are you aware that the whole of Delamere Forest was planted with oak?—I do not know.

710. All that which is covered with trees now was formerly covered with oak?—I cannot say.

711. You did not hear that it was all planted with oak in the first instance?—I never received any information about Delamere Forest at all, except from Mr. Brown, because there was nobody to give it to me; there was not the slightest information to be had in my office about it except Mr. Clutton's report. Mr. Clutton in 1849, went there, and made an elaborate report upon it; the entire contents of which I do not recollect; it may be adverted to there, although I do not remember it.

712. Mr. *V. Smith.*] You have the power of removal of the officers under the Woods and Forest, have you not?—Certainly.

713. And the Treasury have the appointment of them?—Yes.

714. What was the formal power of removal which you exercised in the case of Mr. Lipscomb; was it by an order to him?—It was a letter, saying to him that

that I with great pain acquainted him that it was my duty to inform him that his services would no longer be required in Delamere Forest, and I hereby removed him from his office.

715. Was that letter forwarded to the Treasury?—Certainly.

716. In spite of that removal the Treasury continued Mr. Lipscomb in office?—I was not in a condition actually to say, Leave your house and the forest on a particular day.

717. I will just read this part of the seventh clause of the 42d chapter of the 14 & 15 Victoria, speaking of the officers of the Woods and Forests, it says, "All officers hereafter to be appointed for such department shall be appointed by the Commissioners of Her Majesty's Treasury, and may be removed by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues." I want to know how you, having held that office, consider those powers would be executed in the removal of a person under the Commissioners of Her Majesty's Woods and Forests. In the case of Mr. Lipscomb you wrote a letter dismissing him; from that time he ceased to be an officer under you?—The letter which I wrote is as follows: "The time has now arrived when it becomes my painful duty to acquaint you that in performance of my public duty, and in virtue of the powers vested in me for the control and direction of the affairs of the Royal Forests, I find myself under the necessity of dispensing with your services as deputy-surveyor of Delamere Forest, and I have hereby to intimate to you that you are removed from that office, subject to such an arrangement in respect of time as may reasonably suit the affairs of the forest. I do not consider it to be necessary to state in detail the reasons which have led me, not hastily, to this determination, further than they are stated in my recent report to Parliament; but I feel bound to say that such a decision cannot be arrived at and acted on with respect to any individual, and under any circumstances, without serious regret. My impression is that the 1st of April, or the 1st or 15th of May, or one or other of these times, may prove to be the most convenient at which you should cease to perform the duties of a deputy-surveyor, and that you should remove from your present residence; but until your successor in office can be appointed, it is not in my power to make a more precise statement."

718. Did you apply to the Treasury to appoint a fresh officer, or did you state that there was a vacancy?—The letter which I wrote was as follows: "I beg leave to refer to my recent report to Parliament, in so far as its contents relate to the forest of Delamere, and to the statement which I have made of the grounds on which I considered that it would become my duty to exercise the power vested in me for the protection and furtherance of the public interests, by discontinuing the services of Mr. Lipscomb, and removing him from the office of deputy-surveyor." Mr. Wilson's answer is dated 11th January 1854: "I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you that my Lords have had before them your letter of the 11th instant, in which you inform their Lordships that, in the exercise of the power vested in you, you have dispensed with the further services of the deputy-surveyor of Delamere Forest, and my Lords have desired me to state to you, in reference to your observations as to the appointment of a successor to Mr. Lipscomb, that they do not wish you to take any steps, but that it will receive the careful attention of their Lordships, upon whom that duty devolves."

719. Was not this the practical effect of this divided power, you removed Mr. Lipscomb, and the Treasury continued him?—The Treasury continued him, inasmuch as I was not in a condition to leave the forest without anybody to take charge of it.

720. That is the practical result of this divided authority?—Unquestionably.

721. Do you think that mode of management under the 7th clause of the Act 14 & 15 of Vict. c. 42, a very inconvenient practice?—I think it leads almost to an impracticability of conducting an affair of that kind with benefit to the public.

722. Mr. *Fortescue.*] The Act of Parliament vested a power of removal in two Commissioners, did not it?—Certainly not; the Treasury warrant states that all the powers hitherto exercised by the two Commissioners shall, so far as the duties assigned respectively to each are concerned, be exercised by each individual Commissioner; otherwise there is not a single act done by any Commissioner that is valid and effectual.

723. Your power of sole removal was not derived under the Act of Parliament,

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but under the warrant of the Treasury, which divided the duties of the two Commissioners?—Every power which I exercise is derived from that warrant.

724. That being the case, that your power of removal was derived under the warrant of the Treasury, you think that the Treasury were not justified in making farther inqury, and hearing the appeal of the party proposed to be removed before they sanctioned that removal?—I should not presume to say so, the Treasury being entitled to make any inquiry that they think fit; but my opinion is, that the power was vested in me, and that the Treasury had no power to control the exercise of that power.

725. They did not say you should not remove that man, but they received a memorial from the party, which they referred to you for further information?—All that I should hold to be a matter of course. If a man chooses to present a memorial to the Treasury, the Treasury receive it; and the Treasury acted very properly in referring that memorial to me. There arose a very unpleasant discussion between me and Mr. Wilson, in last July, about the preparation of my report to Parliament; he said, "What is the use of putting all this in? You have the power to remove him."

726. Did you report to the Treasury those reasons which you have given to this Committee for your disapproval of Mr. Lipscomb; had the Treasury before them those reasons condemning Mr. Lipscomb?—Most elaborately; infinitely more so than I have been able to state to the Committee. If the Honourable Member would be kind enough to refer to my last report to Parliament, he would find there a most elaborate statement, supported by every document applicable to the subject, far more satisfactory than any evidence that I can give the Committee.

727. My impression was, that many of the reasons you had given this Committee for disapproving of Mr. Lipscomb had not been laid before the Treasury?—It is possible I did not put every thing in, though my report was very voluminous. I, of course, put in what I thought of most importance.

728. *Chairman.*] And you transmitted the objections which you yourself had made to Mr. Lipscomb to the Treasury?—Yes, certainly.

729. Earl of *Shelburne.*] Did not you say, that you proposed to change the system of management at Delamere Forest, chiefly in consequence of Mr. Brown's report?—I wished to change the system, because I myself formed a highly unfavourable opinion of it before I applied to Mr. Brown; I never employed Mr. Brown except to assist myself. I never proposed to employ him in order to supersede myself, because I considered myself perfectly competent to judge of what Mr. Brown or any one else might tell me; and I had formed a highly unsatisfactory opinion of Mr. Lipscomb's management before I ever thought of Mr. Brown. But I then thought of having him to assist me, because I certainly am not so self-sufficient as to think I am capable of managing rural affairs, without taking the advice of the cleverest men that I can find.

730. What was the extent of Mr. Brown's experience upon which he founded this report; how much time did he spend in Delamere Forest?—I believe the first time he spent a week, or something like that; but if the Noble Lord will refer to Mr. Brown's report upon Delamere Forest, he will get the fullest information upon that subject. The report contains very ample matter to show that he took sufficient time to examine it in great detail.

731. Colonel *Clifford.*] Did not you state, that you did not previously know anything except through Mr. Brown?—I meant to say that I got no information on a great many points upon which I wanted additional information; but I had the misfortune to be in correspondence with Mr. Lipscomb for, I suppose, a year and a half before I had any communication with Mr. Brown; and it was the result of that unsatisfactory intercourse, and the results and evidences of mismanagement that I had in the office, which led me to go to Mr. Brown for assistance, finding in Mr. Clutton's report no assistance satisfactory to me, because it was a report praising the forest and finding fault with nothing. If that could have been sustained by my official intercourse with Mr. Lipscomb, I should have gone no further.

732. Had you reason to judge, from your personal observation, that Mr. Clutton's report was not a correct one?—It was the official documents which led me to that conclusion; I had a constant correspondence with Mr. Lipscomb which led me to that opinion. I saw things in the forest of which I highly disapproved, and of which Mr. Clutton expressed no disapprobation.

733. You judged from your personal examination, and from the correspondence?—Yes, from both.

734. With regard to Mr. Brown, what was his general experience founded upon?—Mr. Brown is a person who has during the last 15 years, in the north obtained a very high reputation for his knowledge of woodland affairs. He has been very extensively employed, and certainly has acquired a reputation from successful management, and from the degree of confidence reposed in him, which is very remarkable, which led me to believe, and I still think so, that there is no man in the kingdom who has so good a knowledge of those affairs as he has; not upon the old-fashioned principles of management; but it is just like draining and farming, or any of those things upon which a great advance has been made of late years.

735. Mr. *Brand.*] Had you seen Delamere Forest yourself before you decided upon carrying out Mr. Brown's recommendations?—Certainly not. I had such an enormous mass of matters to attend to, that it was quite impossible to attend to individual things as much as I could have wished; and I found such a pressure of constant business in the office, that I was unable to go to the forests to anything like the extent that I wished. But I felt that my going was not of much use, unless I had the power to do what was right.

736. Mr. *Compton.*] You stated that you had no reason to suppose you would not have good oak grown in Delamere Forest?—Not such as in the New Forest, but still useful oak.

737. It was not your own inspection at the forest that brought you to that conclusion?—It rather confirmed that conclusion, because they were trees of a certain age, and I thought them very fair trees for that age.

738. Mr. *E. Denison.*] We will now proceed to the next forest, which you propose to take in order?—I will pass over two very rapidly; the one is Whittlewood and the other is Wychwood. Those were forests, truly, in a most antiquated condition of things, and therefore utterly hopeless to have anything done with them until they were disafforested; and accordingly Bills have been passed through Parliament to have them disafforested, and the Crown will procure an allotment; therefore, all I wanted was, to get a little money out of them in the meantime. I never thought of sending Mr. Brown there, because the wisest man in the world could have made nothing of them. Then I come to a very large and serious subject, which is Dean Forest and High Meadow Woods. I went down to Dean Forest in April 1852 for the first time. I necessarily paid a very short visit, because the state of business in London was extremely urgent, and I was obliged to come back as quickly as possible; however, I determined to go again in June of the same year, and my recollection is, that I spent nine days there, and endeavoured, by as strict an attention as I could, to all subjects that required attention, to learn something about the matter. Dean Forest may be said to consist of two things; the one, the forest, properly so called, the other, an estate which had been bought from Lord Gage, called High Meadow Woods, which, in other words, is a fee-simple property, which the Crown got by purchase, encumbered by none of the difficulties attaching to a forest, or from an enclosure of a forest. Dean Forest, being an enclosure from an open forest, under an Act of 1808, the old timber being in the open parts of the forest, and the young timber of different ages being in inclosures which, after a certain age, may be thrown open to the commoners, a sufficient equivalent being procured by making further inclosures, as well as I recollect, the right of the Crown under the law being to have as much as 11,000 acres under inclosure at one time, in such a way as to exclude the rights of the commoners. I believe at present there are about 11,000 acres inclosure, and a little that has been thrown out; and if it was thought right to inclose a little more, it would be necessary to throw out a part, so as to make the quantity 11,000. Then High Meadow Woods is somewhere about 4,000 acres, I think, which is of a different character altogether. When I went to Dean Forest, I was very much impressed with the great importance of the concern, and I looked at it with great interest. I am sorry to say that I found a great deal that attracted my attention as highly unsatisfactory. I do not at all wish to call in question the high character, good qualities, and amiable disposition of Mr. Machen, a most excellent gentleman, who has lived there as deputy-surveyor for 47 years, and he and I were on extremely good terms; but at the same time I had a duty to perform, and it was quite impossible for me on a subject where great public opinion had been expressed, to shut my eyes to

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the state of things that I saw; the antiquated and inefficient establishment, and a quantity of things that were done in ways that I thought undesirable; and, in short, I felt it to be my duty to exert my mind and understanding, to see whether I could not bring about a better state of affairs. I entered upon office in the autumn of 1850. I have before me the accounts of Dean Forest in the year ending 1849; the gross receipts were 5,841*l.*; the expenditure 9,945*l.* 19*s.* 3*d.*; making an excess of expenditure over income in that year of 4,104*l.* 18*s.* 7*d.* In High Meadow Woods there was a net profit of 88*l.* upon transactions of between 2,000*l.* and 3,000*l.* In the following year, Dean Forest had an excess of expenditure over income of 536*l.*; and High Meadow Woods a net income of 929*l.* In the year ending March 1851, Dean Forest, which, I think, consists of about 16,000 acres of woodland, produced a net income of 43*l.* 4*s.* 5*d.*; and, if I recollect rightly, upon an average of those three years there is a deficit of something above 2,000*l.* upon Dean Forest.

739. This invited your particular attention to the cause of this deficient return from the forest, did it?—Certainly.

740. What course did you then pursue?—I ought to state that in the subsequent year, of which an account is not here stated, the felling of timber for the Navy in Dean Forest was recommenced, and consequently in the subsequent year there was a better income; but then there had arisen a discussion about the state of that timber that was felled, and it was found that a very large proportion indeed of the timber that was felled, nominally (under the Queen's warrant) for the Royal Navy, was unfit for the service of the Navy; that is to say, it was rotten and deficient; and this was so startling an affair, that there was an inquiry institnted by a Mr. Martin, a surveyor of Lloyd's; because when the purveyor of the Navy rejected such a tremendous portion of the timber, I said, "There is something wrong here." I thought the forest must have met with some shocking injustice, and that the Admiralty had been very hard upon us. This was during the existence of the late Board, and with their consent I sent down Mr. Martin to report. His reports are here, and he reported not only that there was no injustice done, but he thought very complete justice had been done; that the timber was so deficient. He further stated that a large quantity of old timber that was remaining in the forest was in a similar condition, and that it ought to be felled with all convenient speed, provided it was the wish and decision of the Admiralty to receive it. I came to the same conclusion, and in the subsequent year determined to fell a large quantity. The principle upon which I went was this, that however desirable to have old timber on hand if it was wanted, I, in the first place, thought it was wanted as much now as any other time, and the Admiralty were very desirous to have it; but I acted upon another principle, which was, that it was not at all politic to allow timber, which was already deteriorated to the extent of 50 per cent., I may say, to go on deteriorating in value from year to year until it would be totally unfit for the service of the navy. Because the purveyor of the navy is very properly a very particular gentleman; he will not permit a tree to be put into a ship if he can help it to the benefit of the forest, and to the detriment of the navy; and in that he is very right. I compared it always to the case of a gentleman having a very large stock of excellent wine in his cellar; it is an exceedingly good thing to keep it until it is old and good, but a very unwise thing to keep it until it becomes undrinkable; and so in the same way with timber, it appeared to me that it ought to be cut when it was fit to be used. Then I felt that there was a great deal to be done in Dean Forest, but it was a very difficult thing to undertake. I had some confidence in my own judgment upon such matters, but I felt that they were very weighty matters, and that it would have been the height of presumption in me to proceed to make great and serious changes in that forest without the best assistance which I could procure. I was quite aware that anything like a remodelling of an establishment like that in Dean Forest was a very serious business; and that not only for the public interest was it necessary to proceed with great caution, but also in justice to the individuals who had long been located in the forest. I saw that it was an *effete* establishment, not capable of conducting the affairs of such a forest with that vigour which was essential to make it remunerative, and I looked at it exactly as I should have done if it had been upon my own estate; that it was necessary to proceed vigorously but cautiously; and, certain that I was doing things that were not foolish but substantially right, I looked to Mr. Clutton's reports, which were framed in the year 1849. Mr. Clutton praised the forest very much, and undoubtedly,

undoubtedly it deserved a great deal of praise, because it is a very magnificent thing, and capable of being not only a very fine extent of wood, but a highly productive and remunerative possession; but Mr. Clutton's reports were made at the very time that those financial results that I have stated to the Committee took place. In the very year in which Mr. Clutton made his report, that was in the year 1849, to the Woods and Forests, which was laid before Lord Duncan's Committee, the forest showed a deficit of 4,000*l.* I could find nothing in Mr. Clutton's reports which assisted me to a better management, nor did he point out that there was any bad management, or any extravagance of expenditure. In those circumstances I recollected what I considered the great practical value of Mr. Brown's reports upon Chopwell Woods and Delamere Forest, and while I was in Dean Forest, I said to myself, this is a very arduous and serious matter, I must have some assistance, and there is no time to be lost. Accordingly I asked Mr. Brown if he could possiby spare three weeks in the month of July, and he gave up some engagements, and went into Dean Forest in the month of July 1852. I wrote out less satisfactorily than I could have wished, but to a certain degree satisfactorily, a set of instructions, which are printed, and upon those instructions I sent Mr. Brown into the forest. In those instructions I indicated a number of opinions of my own, because in the performance of all my duties I never admitted that I was incompetent to perform them. I thought I was competent to be a Commissioner of Woods, and that I ought not to have been there if I was not; and that it was my duty to do the best I could, and if necessary, to take such assistance as I required. I accordingly sent Mr. Brown into the forest with these instructions, and the result of his inspection was a series of reports, I think six in number, which appear in the Appendix to the 31st Report; and which, in my opinion, are exceedingly valuable dissertations not only upon general management, but upon that management as applicable to Dean Forest and High Meadow Woods. I transmitted all those reports to the Treasury, and undoubtedly there has arisen out of them a very great discussion. The first thing that the Treasury decided upon doing was to refer Mr. Brown's reports to Mr. Clutton. I do not say that that was an improper course; I think very likely it was a right course; because I have no wish that one should be run away with by Mr. Brown's reports any more than any other man's opinions, but still I had a strong feeling in their favour, and when I saw Mr. Clutton's answers to Mr. Brown's reports, certainly they did not diminish the confidence which I placed in Mr. Brown's, because I thought that Mr. Clutton's were extremely weak. Then Mr. Clutton's reports were referred again to Mr. Brown, and I certainly always felt that the more Mr. Brown was pressed into a vindication of his opinions, the more there appeared the soundness of judgment, the experience, the knowledge and all those qualifications which I consider him most remarkably to possess. Both the series of reports speak for themselves, and of course every Honourable Member of the Committee is competent to form an opinion for himself upon the comparative merits of those written discussions upon matters of forest management.

741. Lord *H. Vane.*] There was nobody else referred to, was there, except those two?—I think not.

742. Mr. *E. Denison.*] Will you proceed to state to the Committee anything further you have to say upon the subject of Dean Forest?—It is an enormous subject; one thing I was very much dissatisfied with; there was a large question about the very low prices at which the produce of the forest was constantly sold, and I thought improvements in that respect might be made in many ways.

743. *Chairman.*] What do you call the produce of the forest?—The timber and the bark; and then there is subordinate produce also, which is miners' timber and copse wood; but the main point is the bark, the trees and the timber, great or small, other than Navy timber. Then I thought there was a very sluggish sort of way with reference to the bark, and there was a strong disposition in that country to take advantage of the public by not bidding at auctions, and then coming afterwards and making offers by tender, and then you did not know what to do, because the bark might spoil. I noticed that the first thing that the people who bought the bark did, was to stack it; it occurred to me, as an experiment, why should not the forest people stack it, and then take their time to sell it.

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744. Hiring teams for so doing?—Certainly; but it appeared to me that if it had been set about in a right way, there would have been very little use for teams; in proof of which I can mention that when I went into Chopwell Woods, I found that Mr. Thomson had stacked his bark, and at a very small expense made it perfectly safe; and at a time when the bark in Dean Forest was mismanaged in a remarkable manner, Mr. Thomson, in the wild country of Durham, had his bark completely saved by that means with extremely little expense; therefore what could be done in Chopwell Woods by a system of management could be done with equal success in Gloucestershire or anywhere else. Then with respect to the sale of wood, it struck me there was a sort of non-exertion about it to get good prices, and that it fell into the hands of accustomed parties, and some people from Birmingham applied for purchases; they used to write up to me to say, would I accept so-and so, and the deputy-surveyor wrote up to ask me if he should accept such-and-such a price. I was not a timber merchant; I could not tell whether the timber was worth 1*s.*, 1*s.* 6*d.*, or 2*s.*, a foot, but it struck me that inadequate prices were constantly offered from what I happened to know of the price of timber elsewhere. Among other things which I thought of as likely to improve this condition of things was the introduction of a saw-mill. The first thing that I thought about was a saw-mill to be worked by water, for which there would have been perfect facility; but when I was in the Forest I saw that it would not do, because the place was so large that to carry heavy timber upon bad roads, up and down hill, would have cost more than all the benefit which could be derived from the use of the saw-mill.

745. *Chairman.*] What water-power could you have got?—There were some large streams.

746. Large enough to afford sufficient power?—Quite. However, the principle of objection to it was so strong that I did not follow out that point very much; but I said coal being so abundant and cheap, the true thing is steam, and the proper thing was to have a machine which could be moved from one place to another; that if you had a large quantity of timber lying in one place, and it was sawn up in six months, you could put four horses to the carriage and take the machine to another part of the forest.

747. Mr. *E. Denison.*] What were the advantages which it occurred to you might be derived from the application of a saw-mill?—I expected that it would open a much wider market, because the practical effect of having those trees dragged along through clay and bad roads, with the utmost difficulty and at great expense, was very much to limit the market and to throw the timber into the hands of an accustomed set of purchasers who evidently thought they were to get it at any price they pleased. It appeared to me that if there was a power of sawing on the spot purchasers from other places would come, and for totally different purposes. Supposing, for instance, a great demand existed for oak timber in reference to railway carriages, my idea was, that purchasers would come and buy timber for those purposes, have it sawn up on the spot and carry it off, especially as there was the hope of an improved railway communication in the Forest, and even if there was not there would be a greater facility of transport for a light commodity than for a heavy one, and there was also the River Wye at hand.

748. You have stated that a good deal of the timber was decayed at heart, and therefore rejected by the Navy?—I do not say decayed at heart always; it might be that a branch gave an imperfection, or that it was shaken, as it is called, or many other things.

749. A good part of the boll of that tree probably would be sound; did it occur to you that a good part, by being cut up and converted, would be saleable at a better price than if the whole body of the tree, good and bad, had been sold?—Undoubtedly.

750. Did you make considerable inquiries about the local and adjoining markets before you decided on this course, of setting up a saw-mill?—I did not make very extensive inquiries as to the local market, because the proposition appeared to me so self-evident. There cannot be a better position than Dean Forest, with the Wye on the one side, and the Severn on the other, and Bristol and Birmingham, and Monmouth and South Wales all around; it is a prodigiously advantageous place, provided it had the common advantages known to other parts of the country. I have had a saw-mill on my own estate for the last 30 years, and I know that it has doubled the value of my woodland affairs; and

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I know innumerable instances where men have made large fortunes by means of saw-mills. In reference to the forest, my intention never was for the Government to become a converter of timber, and a speculator; but that they should provide a machine, and let it out to purchasers, who would come and rent this mill at so much a week; then, that they should pay me that rent, which would be an indemnification for the mill, and that the forest should get a profit, probably in the enhanced price of the timber. It was a very unfortunate affair, however, about this mill, for after I had got an excellent one arranged for, all the confusion about Dean Forest took place, and postponed this thing unfortunately; but just before I quitted office, I had the satisfaction to know that this mill was actually taken into the forest, and was beginning, however, under very unfavourable auspices, as Mr. Brown had left; but he had held a sale of timber the last week that he was in the forest, I think, and he had induced a purchaser of timber to show himself in the forest from Newcastle-upon-Tyne, a thing unheard of, and I believe it created some consternation among some of the old-fashioned purchasers of timber in the forest. He charged a high price; there was a very excellent sale of timber, higher than it had ever been, partly, perhaps, owing to the rise in the price of timber. I do not at all dispute that, but I know that this gentleman said that he would not have come at all except on account of the mill, and he bought 1,000 *l.* worth of timber at a good price, and I have heard that his timber was being sawn up, and among all the intelligent persons of that quarter, the mill was acquiring a very high reputation for its utility. I have such experience and knowledge of the advantage of sawing power so applied, that I hold it to be a mere elementary proposition, which at this time of day it would be very ill-spent time to stop to discuss.

751. You did not intend to saw up the large timber for the Navy, but only the small stuff?—I did not know whether the purveyor of the Navy would choose to have his timber so sawn; but there is a great deal of large timber that the Navy will not take, and the saw was certainly intended to be sufficiently large to saw very large timber. Whether it would be able to saw the very biggest trees, which were rejected, I do not know.

752. *Chairman.*] Was it a circular saw?—It was a circular saw.

753. Mr. *Brand.*] Was it your intention to remove the saw from place to place every year in the forest?—Certainly; to move it as often as there was a considerable mass of timber within a reasonable reach. An economical establishment, an efficient establishment, was in Dean Forest,—a thing of enormous importance; and putting the various prices at which the work was to be done, and the way in which it was to be done, so as to produce large results from fair prices, my impression is this, that those woodcutters and people had been accustomed to get things very much in their own way. Mr. Machen was an extremely amiable, good-natured man, and I do not think he liked to make himself unpopular by fighting points; and I think there was great extravagance in all those things.

754. Lord *H. Vane.*] Many of the woodcutters might have been spared?—There were various persons; there were woodmen, with houses and gardens, and handsome salaries, and all that, but when I came to talk about making some alteration in the system of management, Mr. Machen said, our people are quite unsuited to make any such improvements; and when I intimated my wish to introduce some improvements, Mr. Machen said, in those circumstances I have been here 47 years, and I really cannot consent to be the instrument of making those attempts. I have been for some time past intending to retire from office; I shall now accelerate that intention, and I beg to acquaint you that I wish to be relieved from my office; which was very proper, as he had been so long in service, and was nearly 70 years of age. But still I could not be satisfied that, because Mr. Machen was an old gentleman, and unwilling to introduce improvements, I could be justified in standing still, and allowing this fine property of the Crown not only not to produce revenue at the present moment, but not to get into the way of producing a very largely increased income. I cannot conceive why property of that sort should not pay 20 *s.* to 25 *s.*, to 30 *s.* an acre of annual income by proper means and time. Then I was dissatisfied with the mode in which the younger trees, what are called flitterns, the trees from 20 to 40 years old, saplings, were treated. In the thinnings, the way in which the bark was taken off was very unsatisfactory to me; the bark was taken off, and then people sent clambering

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over them, and with ladders, and the consequence was, there was a certain loss of bark, and a very considerable expense, greater than it need to be, and then the tree left standing for six months, for the avowed object of providing work for the workmen in the winter; whereas I would have had it down at once, had the bark taken off with the utmost celerity, and then the remaining trees would get the benefit of that year's growth. This was resisted, and it certainly was impossible to get it accomplished. I asked Mr. Machen, in December 1852, to do it, and he admitted that he had taken no steps till March 1853. Then he was run into a corner; the people said they would do nothing without being paid twice times as much as before, and I was completely disappointed.

755. Mr. *E. Denison.*] You mean that there was a loss of bark, in consequence of the use of ladders?—Yes; and the people climbing.

756. *Chairman.*] Do you mean that there were a certain number of woodmen employed at annual wages, and that the object of the surveyor was to find work spread over the whole year, whereas, if they had been employed only on the timber they would have been wanted only in the spring, and not at other times?—Those salaried woodmen have very little to do with this; but there is a great mass of people called woodcutters who do the work by the piece, and an immense number of men live in the neighbourhood who get their livelihood in that way.

757. Are they not paid so much a load?—There are various arrangements.

758. Lord *E. Howard.*] Do you mean that these persons called woodmen were a sort of persons who did not act up to their names; that they held sinecure positions?—I do not mean to say that they were sinecures; but the chief fault was, that they were, a great many of them, very old men, who from age and infirmity really were not able to do their duty. I do not blame them much, but they were very old-fashioned, and certainly not conversant with modern improvements, and were incapable of doing their duty: but there were some very good men among them for all that.

759. Earl of *Shelburne.*] Who were the people for whom work was to be provided in winter?—I suppose these woodcutters, and a great number of labouring men who come in and make faggots and miners' timber.

760. Was work to be provided for the permanent servants, or anybody else?—For the labouring population.

761. In the neighbourhood?—Yes.

762. Mr. *E. Denison.*] There would be no difficulty, would there, in a forest of that extent where planting must be done, where draining must be done, and thinning must be done, to spread the labour over the year, without leaving trees standing upright through the summer to be cut in the winter?—I should think not the slightest, by proper arrangements; and then I should say that the measure of employment ought to be the interests of the place: that there ought not to be expense incurred for the mere employment of the people, unless profitable to the forest.

763. Earl of *Shelburne.*] Was that the only reason assigned?—It was maintained to be the best system. There is a person there, a Mr. Langham, who is governing man in one sense, under Mr. Machen; when I spoke to him about this thing, he said, "Oh, sir, it was never done otherwise in the forest; it was the old practice, and therefore it was adhered to."

764. Did he assign no reason except that?—I never could get a reason, either verbally or in writing, from Mr. Langham.

765. Mr. *E. Denison.*] It has been held, as you know, that to bark a tree and leave it standing through the summer to the winter, if it is a tree fit for naval purposes, improves the quality of the timber, and it goes towards seasoning it; but as I understand you, this system was applied merely to small trees?—Yes. The system of which the Honourable Member speaks is good. It was not applied to the large trees; they were cut smack, and barked on the ground.

766. This system of barking the trees while standing was confined merely to small trees of 30 and 40 years old?—Certainly.

767. And the large trees, for timber, were cut down with their bark on, and the bark taken off on the ground?—Except a little bit at the bottom, which is the common practice. Perhaps I may be permitted to say, that on the whole subject of this bark there arose a most terrible controversy, a most enormous correspondence; and when Mr. Brown went down into the forest at a short notice, he made an attempt,

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by my desire, to introduce this new system. Then he was told he could not possibly get it done, and there was the utmost possible resistance to it; and 64 woodcutters struck work, and would not touch it. They sent a memorial to me. I may mention that out of the whole 64 woodcutters not one of them could write his name. When this was resisted to such an extent, I thought that I would make inquiry whether I was desiring to introduce a system which in itself was so unreasonably absurd, that it was not countenanced anywhere else. I knew I was quite right as to many of what I think the most enlightened estates of the kingdom, because I wrote to the Duke of Bedford's steward, I wrote to Lord Hatherton's steward, the Duke of Sutherland's steward, and Lord Carlisle's steward, and I got answers that were quite conclusive. They "pooh-poohed" the system which was adopted in the forest to the greatest possible extent. But I thought, perhaps, in some of the other forests which were under my management I might find examples which would be unfavourable to my wishes. I therefore issued a circular letter to every deputy surveyor of those forests, to desire to know what was their system about felling a tree before or after it was barked; and if it was the pleasure of the Committee to call for their answers, they would not only find that their answers were uniformly against the practice in Dean Forest, but that the terms in which they made the answers showed that they were almost slightly offended; I do not say offended, but wondering that I should ask such a question, and expressing, in the strongest terms, their disapprobation of the system about which I was inquiring.

768. With respect to this system of which you speak, the barking of small trees standing, out of all the Royal Forests was Dean Forest the only forest in which that system was pursued?—Yes, the only forest. They expressed in the strongest terms, almost of reproach to me, for asking the question. I do not say the slightest impropriety; on the contrary, the letters were most perfectly proper, and that it was a system in which I had been defeated, and in which Mr. Brown was practically defeated, because all the men struck work, and Mr. Langham would give no assistance whatever; he was perfectly passive and inefficient. But I must do the justice to Mr. Turnbull, who is the second surveyor under Mr. Machen, to say, that he had the good sense to assist Mr. Brown, and reconcile his people to do it. As long as Mr. Brown remained in the forest, Mr. Turnbull had given him cordial assistance, and my object was attained; and, therefore, if the same means had been taken by Mr. Langham, I can entertain no doubt the same result would have followed. In 1852 my attempt was perfectly abortive. In 1853 these men all struck work, and would not do it.

769. That seems to be a general description of the condition of things in the forest?—It is. There is one point more which created a great discussion and annoyance, and everything that was disagreeable; which was, the attempt to introduce another mode of drying bark, which was, upon stages instead of putting it up on end upon the ground. When I went into Dean Forest in June 1852 it was raining day after day, and certainly it appeared to me an odd system. The way of drying the bark was to put it up on end upon the wet grass; and perhaps it created a little more annoyance than it ought to have done, because the weather was so unfavourable that it made a very unfavourable impression upon my mind. There is no doubt in dry weather you can dry bark in any way; I had always been accustomed to see it put upon temporary stages.

770. Does not that in some degree increase the expense?—Very little.

771. Mr. *Fitzgerald.*] Does timber deteriorate rapidly in Dean Forest; when it is ripe and fit to cut, does it speedily become faulty and deteriorate?—I cannot give a direct answer to that question from any knowledge, but I have no reason to suppose that it does there more than anywhere else; although a great deal of the land requires draining, yet it is essentially not so wet as many of the other forests.

772. I understood you to say, in 1851 you cut a considerable quantity of timber which the Purveyor of the Navy refused?—Yes; and in 1852.

773. What was the first time that you cut a large quantity of timber that was refused?—There was a quantity in 1851, and 1852, and 1853; they are the years in which Navy timber has been cut in Dean Forest recently.

774. What was the whole quantity of timber that you cut during those years in Dean Forest; how many loads was it; something between 8,000 and 9,000 loads?—I cannot charge my memory with the precise figures.

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775. Colonel *Clifford.*] When a person is appointed to the situation of surveyor of Dean Forest, does he not fill a very responsible office?—Most unquestionably.

776. And he has a good deal of the management of a large population, and that a mining population; ought he not, therefore, to possess some qualifications beyond that of a mere timber dealer, or merchant; or a mere manager of plantations?—Undoubtedly. I consider that it is a great disadvantage that the deputy-surveyor should be a magistrate. I think the fact of Mr. Machen being a magistrate has been a great disadvantage; his being a very amiable country gentleman, I admit, with all his good and amiable qualities, is a very advantageous fact; but I think his having been a magistrate is a decided disadvantage. I think the officer of the Crown there should be in a position separate from a magistrate. Then I consider Mr. Brown to be a man eminently calculated to have an influence with any population, because he is most remarkably a man of good sense, good feeling, gentlemanly manner, and every quality which makes him popular; and he has himself been placed in previous life actually in the midst of a mining population, as well as very various populations in various places where he has been accustomed to perform his duties amongst different people.

777. He had had, however, no experience of the somewhat peculiar characteristics of the population of the Forest of Dean?—Excepting that he had an experience of woodmen.

778. Has it come to your knowledge that the population of the Forest of Dean are an exceedingly excitable population?—Yes, I think Mr. Brown's character would have made him exceedingly well qualified to deal with a population of that kind.

779. Is it not also necessary that the person who is placed there should have a knowledge of the charters of the forest, so as to avoid any collision with the population?—Undoubtedly; but I should say a man cannot be fit to be a deputy-surveyor who is not capable of learning those things by pains, and trouble, and time: and I should have no sort of doubt that Mr. Brown could do that.

780. At least he would have the disadvantage of being a mere stranger, as compared to a man who had been there 47 years?—Undoubtedly; but that would be the case with any other gentleman.

781. Have you ever read the reports of the Commissioners appointed to inquire into the state of Dean Forest and other forests, in 1793?—Yes.

782. Do not they recommend that the Royal Forests should be appropriated to the growth of oak timber, and have not the Acts of Parliament all tended to that?—Yes, undoubtedly; but I should always hold that to be under the limitation of discretion in not expecting oaks to grow where they would not grow. Wherever they would grow it is an imperative duty.

783. Still if it was a principle laid down, was it not one which was at variance with that of the annual profit to be derived from the management?—No; my opinion is, that the annual profit was decidedly subservient to the other purpose. If you can make an annual profit by the good management of the woods, the eventual object of which is the growth of timber for the navy, I hold there is no distinction whatever for the navy or any other purpose.

784. Do you happen to know the extent of the plantations in the Forest, in the year 1808?—I do not; I apprehend there was a considerable quantity of old timber on the open waste of the forest.

785. It did not come to your knowledge that the whole amount at that time was 670 acres?—I did not know that there was so much.

786. Are you aware what the present amount is?—Some 13,000 acres, I think.

787. Do you know what the estimated value of the timber on the plantation in 1808 was?—I do not remember.

788. It has been stated to be 178,000*l.*; do you know what it is now stated to be?—Mr. Clutton makes the estimate, and I suppose that is the most accurate estimate.

789. You are not aware that it gives 576,000*l.*?—I have no doubt of it.

790. That has been going on in those years during which the alleged annual deficiency of the income took place?—I am quite aware of that; but my own opinion

opinion is, that annual income and increased value in point of capital go hand in hand. I think that the increasing value of capital is no cause for a deficiency of income. I think the two go together.

791. If the property has been increasing in value during those years, does it not show that the management has not been so defective as alleged?—No; I do not think that follows. I think there has been a certain amount of good management, but that there might have been a good deal more.

792. You think that it is only a question of degree; you admit that there has been a considerable improvement in the state of the forest?—No question of it; in the matter of figures there can be no question. All I want is, that things should be better done for the future; I do not want to go back upon the past.

793. You made it a charge against Mr. Machen thas he did not carry into effect the proposals about stacking the bark, did not you?—No. I thought I had very good cause to complain about the course he followed in not executing my wishes with reference to barking the trees.

794. Was not the alteration in the barking of the trees carried out in 1853 under your directions?—No. Mr. Machen told me it was utterly impracticable.

795. That of curing the bark was carried out, was not it?—No; there was an attempt to do it, but there was no good will to do it, and the attempt failed to a certain extent, and the people who bought it were very much averse to it. It is impossible to explain that subject, without referring to an enormous mass of papers which I sent to the Treasury on that subject.

796. You recommended that?—Unquestionably.

797. Was not it carried out?—Not in a satisfactory way. I considered that the officers of the forest had no goodwill to it.

798. Was not it done by four Scotch workmen?—To a certain extent.

799. Scotchmen?—Certainly.

800. Who are conversant with that mode?—Yes; but they had other people to deal with, and then the purchasers of the bark neglected their duty.

801. Did those Scotch workmen admit the work was well done, or did they complain of its being badly done?—They were to a certain degree satisfied; but, on the other hand, they saw the thing could not succeed, because there was a disposition that it should not succeed. It was done well to a certain extent, but there could be nothing more unsatisfactory than the whole thing; and then the purchasers of the bark did not take away the bark at the proper time, and they made claims for an abatement on the price. I had some of those woodmen up, and examined them; and one of the facts which came out was, that the bark of one of the claimants for a diminished price had been sunk in a barge in the Wye, and then it was carried to Monmouth, and he made a claim for it on the ground of its being badly cured.

802. Did not one of the purchasers testify to the attention that had been paid by the forest officers to prevent its spoiling?—Yes, something of that sort.

803. Did he not state that he had harvested the bark cured in the old way in good condition, whereas the other was all spoiled?—I cannot say.

804. You stated that there has been a great deal of correspondence about it?—It is so very large a subject, that it is very difficult to be explained.

805. Have not legal proceedings been threatened upon the subject?—Undoubtedly.

806. *Chairman.*] Upon what subject?—Upon the large claims for abatement on account of the bark being improperly cured. I resisted that, because I thought it unjustifiable, and one of the parties afterwards paid.

807. Colonel *Clifford.*] Is not the matter now under reference to a surveyor to decide?—I do not know that.

808. Before you wished the experiment to be tried in Dean Forest, are you aware that it had ever been tried in any other forest, in Bere Forest, for instance?—I never heard anything one way or the other about it.

809. Are you aware that it was tried at Windsor?—I do not know; I know that it is practised extensively over the kingdom.

810. *Chairman.*] It varies according to the soil and according to the season?—Yes; in very dry weather you may do it in almost any way.

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811. Colonel *Clifford.*] Can you state what would be the cost of the sawing machine?—The contract price was 1,000 *l.*; that was for the machine and a large moveable house in which it was to be placed.

812. Was its permanent object to convert the large timber now standing in the forest?—Its object is to convert all timber that ought to be converted.

813. Are you aware what the quantity of timber now fit for conversion by such a machine is in the forest?—It has been stated there is no timber, and that therefore there need not be a machine.

814. It has been so stated, in fact?—I will state to the Committee what my notion was. In the first place, there was a certain quantity of timber which does exist. Then my opinion decidedly was that a large part of the High Meadow Woods ought to be cut over, because it never will be timber fit for the Navy. There may be a little, but certainly not as a whole; and that land is not profitably occupied by a progressive crop of trees; consequently a considerable proportion of High Meadow Woods ought to be cut over, and replanted with a virgin crop of young trees, the greater part of it being old trees growing from stumps, having been old coppice wood. I thought that wood ought to be cut over, and replanted with virgin plants. Then if that course of management which I thought right were adopted, there would arise a large quantity of timber fit to be sawn every year.

815. It would be under 40 years' growth, would not it?—Not at all; it is of considerable age now.

816. *Chairman.*] Did the surveyor suppose that stumps left in that way would ever produce good timber?—So it seems; because there is an immense extent of it; I do not mean to say there have not been any young trees planted among the old trees. It is a sort of mixed affair. I hold it to be a very unprofitable system of management to have wood of different kinds, oaks of 20, 50, and 60 years, and stumps growing all together, and especially if there is not on the ground a thorough covering of trees that are progressive in their character. I do not mean to say that the whole of that 4,000 acres ought to be cut over; I think it was somewhere about 2,000 acres that Mr. Brown and I thought ought to be, and would produce a considerable quantity of wood, which would be rendered much more valuable by the presence of a saw-mill, where the purchaser could convert his timber and carry it off. Unquestionably, without the cutting of High Meadow Woods, there would not be a supply of timber of any size for a saw-mill; but then it must be recollected that Dean Forest and the other forests are getting older every year, and that, even as applied to small timber, a saw-mill is a very useful thing. You can convert wood into purposes not of a very large size far more profitably by a saw-mill than you can do without it, and therefore in Dean Forest there would be always something to do; but in the course of 20, 25, or 30 years the timber would be growing very rapidly, and there would be grist to the mill out of Dean Forest itself. And I was looking to the introduction of a *system*; I was thinking of a future time, and this was an experiment in Dean Forest; and if it had been found that this mill was not wanted in Dean Forest, nothing was so easy as to send it down to New Forest, or wherever it might be wanted.

817. Colonel *Clifford.*] You are aware that there would not be the same advantage to the Crown, probably, in a saw-mill, as to a private individual, because there are no repairs wanted in a forest?—I think there are repairs; at least, I know that we pay for them; not only the houses, but the fences and gates.

818. The fences are chiefly banks, are they not?—Perhaps those fences might be improved by having palings; I think some considerable improvement might be made by using the waste timber for that purpose. Then there are gates, and the repair of houses; I never should have thought of having a saw-mill for them alone.

819. With regard to the prices at which timber is sold at the sales, you say that they generally range very low; have you formed that view as compared with the prevailing prices of timber in the neighbouring districts?—I certainly did not inquire very much into the prices of timber in the neighbouring districts, but I have all my life had some knowledge of the price of oak timber; and I certainly was very much surprised to find that enormous masses of oak timber were selling in Dean Forest, and New Forest, and all the forests, during the last two years, for one-half the price at which it was sold upon my own estate.

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820. What was the average price per ton?—Something like 1 *s.* or 1 *s.* 1 *d.* per foot.

821. You are not aware that private proprietors were selling at the same price?—I think they were very ill advised in so doing; it is just like a farmer. I think, because there is bad farming in Surrey and Gloucestershire, that is no proof that there might not be better.

822. Are you aware that, at that time, there was no demand for timber for shipbuilding?—I know that there was a temporary stagnation; but I know that I was selling small quantities of oak timber off my estate in Scotland for double the price that was obtained in the forest, and I thought that it was my duty to do that for the public that I was doing for myself; but all that is merely the manifestation of a disposition to do my duty; if I did not succeed I could not help it.

823. You mentioned that you disapproved of that method of stacking the bark on the ground?—I did.

824. Are you aware that that is the system pursued through the whole of the adjacent counties by timber dealers?—I believe it is; but I do not approve of it.

825. Are not you aware that they purchase wholly for profit?—A man farms for profit; he puts four horses right on end, and he ploughs in that way; but nothing would persuade me that that was the proper way of ploughing. I should endeavour to reform it.

826. Mr. *Tollemache.*] You made a full statement to the Treasury of what you conceived to be the mismanagement going on in this forest?—I do not know that I did it in the shape of what might be called bringing in one large bill of indictment against the forest; I had no desire to do that, but I reported as often as I thought I was called upon to do so. I sent all Mr. Brown's reports there, and I stated generally my impressions about the case.

827. Did you communicate to the Treasury that Mr. Machen had tendered his resignation?—Certainly.

828. Did you recommend that an efficient person should be appointed in his place?—Unquestionably.

829. What answer did the Treasury give you?—I think I made that communication in March 1853; there was a great deal of intercourse went on with Mr. Wilson on the subject, and not at all satisfactory to me; the thing went dragging on, and Mr. Machen was asked to continue over and over again very much against his will, and at last Mr. Brown was informed that he was recommended, and I had every reason to think he was immediately to be sent for, and it was always put off, and it was considered that this controversy between the deputy surveyors and Mr. Brown must be settled before he could be sent there. So the matter went on until the end of the year, and at that time Mr. Brown wrote to me to say that he had been kept in suspense for eight or nine months, and that now he was applied to by a private party who wished to engage him in the administration of his affairs, and that the terms offered to him were more advantageous than those mentioned as likely to be offered on behalf of the Crown, and he begged only to be told whether he was wanted or not, for that he could not, in justice to his family of 10 children, be kept in suspense any longer.

830. I wish to know whether you recommended that an efficient person should be appointed as a successor to Mr. Machen, and whether your wishes in that respect were carried out?—They were carried out at the end of nine months, but in a manner that was not satisfactory to me.

831. Mr. *Compton.*] You were alluding to leaving the trees standing after the bark has been taken off; do you approve of that plan?—I do not; just the reverse.

832. You propose to have the bark taken from the ground, and raised up?—Yes.

833. Was your plan ever carried out?—I understood it was directed to be carried out by certain Scotch woodmen and others; Englishmen as well.

834. Was that done?—It was done to a certain extent, but it was never done in a satisfactory way to me, because Mr. Machen and Mr. Langham and the people in the Forest of Dean were adverse to it, and said it would never succeed. I was not there, and I cannot tell whether it was carried out satisfactorily or not. My belief is this, that the result would not have been very unsatisfactory if

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the purchasers of the bark had done what they were bound to do, which was, to take it away as soon as they could. If they had taken it away by the 20th of June, my belief is that the bark, as it was attempted to be cured on that occasion, would not have been much amiss; but it was left until it got a month's rain, in the month of July. Then it did not signify much in what way it had been done; and the purchasers having done that in the most wilful and perverse manner, came upon me to give them an abatement of 1,000 *l.* upon the bark, which I would not do. There is not the slightest question that the bark was in very bad condition; but what was the cause of it? Not my mode of drying it.

835. Colonel *Clifford.*] In what way did the purchasers expect the bark to be cured; in the old way or in the new way?—I understood that no notice was given that there was to be any change, and I think in that Mr. Machen was deficient in his duty in not giving such notice. At the same time, the conditions of sale were, that the whole thing was at their risk.

836. Some of them objected, did they not?—Not at the beginning; not till afterwards, so far as I know.

837. Mr. *Fortescue.*] With reference to the income and expenditure; is not it the case, that in the two years ending March 1849 and 1850, the large expenditure was caused by the large planting of trees in the Forest of Dean?—I cannot give an answer, but I think it is extremely probable that a part of it was.

838. Have any new plantations been made since the year 1849?—I cannot answer that question; it was before my time, and therefore as to the exact date of some of the last plantations, I really have not information at this moment. I think it extremely probable that a part of it was.

839. Have any new plantations been made since you have been in the office?—None.

840. Is it not the case, that the increased income realised in the last three years, has been derived from the large felling of timber?—Undoubtedly. I may have made some small reductions of the expenditure upon the establishment. I abolished two keepers, and one or two little things of that sort, which could not influence the expenditure; therefore, unquestionably, the increased income, as I have stated in my reports, is entirely due to the felling of timber.

841. The increased income has been derived from the felling of timber, and the diminished expenditure has been occasioned by not planting?—Undoubtedly; but then, in my opinion, if the whole thing was upon a proper footing, the expense of planting would not be a very considerable thing at all. With the establishment on the ground, and the trees in the nurseries, the expense of planting ought to be very small indeed.

842. I want to account for the contrast between the last three years and the two or three years before those years; and I ask if that is not a fair statement of the case?—Substantially, the increased income has been from the felling of timber.

843. And the diminished expenditure from the decrease of planting?—Yes, I have no doubt of it, but it is still much too large.

844. Mr. *E. Denison.*] Passing from the Forest of Dean, what forest will you next proceed with?—As to Alice Holt Forest, I visited that forest, and unquestionably there was a quantity, I think some 1,800 acres, of very nice looking oak woodland; but still I thought the income was not exactly what it ought to be; and above all, I wanted to have information about it in detail. It struck me that the land was wet, and I wanted, as I had derived advantage from the experience of Mr. Brown in other forests, to have the benefit of his opinion upon the subject of Holt and Woolmer, and Bere and Parkhurst Forests. Then, as to Holt Forest, it appeared to me that he made a very reasonable report, not finding much fault with it, but at the same time suggesting improvements, and pointing out that there were certain deficiencies; that there were certain ways of making a better income, and perhaps of diminishing the expenditure. That really exhausts what I have to say upon that, unless the Committee wish to go into the painful controversy that has arisen upon that subject. If the Committee went into that subject, then, of course, there is plenty that to say and discuss, but as it has been the pleasure of the Committee to say that subject is not to be gone into, I have no sort of wish to do it here; but I certainly think that Holt Forest is a place that might be very much better managed; that

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it is a promising subject if well managed; and if not well managed, it will, of course, fall short of what it might become. But, excepting those general observations, unless there is to be a detailed discussion of the controversy that has arisen, I have nothing more to say.

845. *Chairman.*] Mr. Brown seems never to have been in the south of England, nor to have known anything of the management of oak timber there?—Certainly, he had not the experience of the south of England, but then he is a man of that capacity and good sense, and shrewdness, and high intelligence upon the subject, that he came to the south of England very much in the same way that a Scotch gardener would come to the south of England. He might have to modify his opinions if he came to reside there, but the essential principles upon which timber must be grown are the same everywhere, except that the south of England is the best, having a better climate, and therefore he expects better results there than in Scotland.

846. Did not he come with the fixed idea that nobody knew anything about oak timber but himself?—Not at all. I think if the Honourable Member had had a little personal intercourse with Mr. Brown, he would have found him a very sensible man, and he would have been very grateful to the Honourable Member for any experience he might have in the south of England.

847. Earl of *Shelburne.*] Had Mr. Brown much experience as to the management of grown timber, as contradistinguished from growing timber?—He had never much to do with nurseries; he had experience in the growth of timber, such as it was. Of course the Noble Lord knows that in Scotland what is called timber is of moderate dimensions, generally speaking, as compared to what is known in the South of England.

848. Did you always understand that Mr. Brown had great experience and knowledge of planting, and everything connected with the first operations, but not much with regard to the management of forests when grown?—He had experience of realising an income. The person with whom he lived, Mr. Dundas, of Arnistoun, has a very good woodland estate, considering where it is situated, and Mr. Brown made a very good thing of it; and it was not by little twigs, of course, but by trees of such dimensions as they were.

849. Mr. *Tollemache.*] Is not Woolmer under the same management as Holt?—It is.

850. Did Mr. Brown represent to you that a large portion of Woolmer was altogether unprofitable?—Unquestionably.

851. Did he suggest any plan to make it profitable?—With regard to Woolmer, Mr. Clutton had stated that he could not recommend any expenditure upon it, and it probably ought to be disposed of; and Mr. Brown came to precisely the same conclusion.

852. Did Mr. Brown suggest that any portion should be sold?—He thought that the whole of it ought to be sold. I referred to Mr. Clutton, as having much experience in these affairs about forest rights and common rights, to inform me whether, in his opinion, I could (with the authority of the Treasury, of course) bring to sale the rights of the Crown in Woolmer, being an inconsiderable place, without going to the expense and trouble of having an Act to disafforest it. Mr. Clutton reported distinctly that it could not be done advantageously, and I thought his opinion upon that subject a good opinion; and having received the concurrent testimony of Mr. Clutton and Mr. Brown that it was an unprofitable subject to attempt to improve, I came to the conclusion that it ought to be disposed of, and whatever was got for it might be very profitably invested elsewhere, which would tend so far to consolidate the Crown property; and upon that I reported the whole result to the Treasury, adding my recommendation that I should be authorised to introduce in the next Session of Parliament a Bill to disafforest the Forest of Woolmer; and that, having got a fee-simple for the Crown allotment, it should be for the Treasury to determine what should be done with it. The Treasury assented to my recommendation; and if I had remained in office, it would have been my duty to give notice, next November, of a Bill to disafforest the Forest of Woolmer.

853. Did you make any inquiry as to whether there were likely to be purchasers?—I had some conversation, and I certainly formed a favourable opinion that, though it was a bad place for profitable improvement, still being within a moderate distance of London, and especially as there is a new railway going from

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Godalming to Portsmouth, touching the end of it, it was extremely probable that persons of capital might buy 50 or 100 acres, and locate themselves there and build residences.

854. You believe that it could be sold?—Yes, but I think it ought to be done with circumspection.

855. Mr. *Compton.*] There is a very small quantity of timber in Woolmer Forest?—Yes.

856. Comparatively speaking, a small portion would fall to the lot of the Crown if an Act were obtained?—Probably not very large; I cannot anticipate.

857. Mr. *Tollemache.*] Do you think it desirable to sell Alice Holt Forest, it being a very small forest?—I am not prepared to say that it would, if the principle of growing timber for the Navy is to be maintained; that is the fundamental principle of the whole thing. I do not know whether it is a rational principle or not; I never felt it was my duty to enlighten the world on that subject; my duty was to do the best I could to administer that which was committed to me; and if there are places to be retained for the growth of timber for the Navy, I think Alice Holt ought to be retained.

858. *Chairman.*] Provided, that is to say, that the soil will grow timber?—Quite so. There were some old trees which, I think, indicate that it would grow timber, and it is the opinion of the surveyor that it would do so.

859. It is sand, is not it?—There is some clay, I think; however, it would be a very important element of consideration, and it is never too late to sell it if it is thought right.

860. Do you believe it would be an advantage that Alice Holt should be sold?—It depends entirely upon its management; if you apply a system to a property of that sort, and make it sufficiently big to have a good man, then I see no reason why Alice Holt should not be administered with a profitable result.

861. Do you believe that public property would be managed on as good a system, and on the same economical principles, as a private property?—I think that entirely depends upon the principles upon which it is administered. I am of opinion that, if I had been permitted, under due responsibility, to carry into effect my views about the management of the Crown property, during the moderate number of years which I could expect to live, I should have been able to show satisfactory results as to all the forests; but if I was to be trammelled, and crippled, and prevented from doing what was necessary to be done, then the thing becomes impossible.

862. *Chairman.*] You do not think it possible to make Woolmer Forest productive in anyway?—Certainly not.

863. Mr. *Fortescue.*] Alice Holt is not unfit for the growth of timber for the Royal Navy?—It is my belief that it is suitable.

864. Lord *H. Vane.*] I understood you to say that there are certain trees upon it that seem to indicate that it is capable of growing oak?—There have been; I believe they are all gone now. While I am giving these opinions, I wish to guard myself; I do not profess to be a critical judge of timber; I think I am not so very bad a Commissioner; but, as I stated before, I think I should make a bad deputy surveyor.

865. *Chairman.*] You found fault, I believe very justly, with the management of Mr. Lipscomb; had you the same reason for finding fault with the management of Mr. Higinbothom?—The circumstances were very different; but I certainly have considerable reason for finding fault with the management of Mr. Higinbothom. I certainly have felt generally that his management was not satisfactory, because I did not think that it was founded upon his understanding his business. I do not think that he knew very much about it. He was placed there, having belonged to a totally different profession; he was a surgeon and apothecary at Pilltown in Ireland; in fact, I was informed by another of the deputy surveyors, that he rested entirely upon his foreman, and certainly that was indicated to me in the correspondence with him in the office, because his returns were highly unintelligent, I mean the ordinary letters of the office, and it was excessively difficult to transact business with him. He was, it appeared to me, very incompetent to the duties that he had to perform, and consequently all the dealings with him in the management of the forests were unsatisfactory, and I always felt myself in the position of being

being obliged to settle it any how. I did not know how to do it to avoid mistakes.

866. Mr. *E. Denison.*] Passing on the course that you were pursuing, what first comes next in order?—There are Bere and Parkhurst Forests. I wish to make one observation about them. There are four small forests; if Woolmer was to be sold that would reduce them to three; then I certainly have formed an opinion and that opinion was originally suggested to me by Mr. Clutton, namely, that those four forests, supposing them to be retained, ought to be under one deputy-surveyor, and that they are not more than one efficient active man would be perfectly competent to undertake: there is no doubt Mr. Clutton accompanied that observation to me by saying, on the cessation of the existing interests. I do not mean to say that the deputy-surveyors ought to be dispossessed in an abrupt way, but I think that the public interest ought not to be sacrificed; but I would much rather recommend that the present deputy-surveyors should receive retiring allowances to the full amount of their salaries, and have one competent man appointed to the whole, than that the present system should go on. I do not want to injure any deputy-surveyor; I should be happy, upon the principle applied to many persons, that if you get rid of their services you should compensate them, that they should be so dealt with; but I think it would be highly beneficial to the public service that even that extreme measure should be resorted to of allowing gentlemen, who I think are not qualified for their duties, to retire, and that a highly competent person should be appointed to the service. In that way, I think, that those little forests (excluding Woolmer, which would be sold) would be conducted with advantage, it being borne in mind that Alice Holt, Bere, and Parkhurst are in a highly convenient position with regard to Portsmouth. Now Wychwood is a place so fearfully inconvenient, that I am very much disposed to think that when it comes to be disafforested, the Crown allotment ought to be sold. It is good land for timber, yet the whole value of it is too much absorbed by the cost of carriage.

867. *Chairman.*] Is that from the roads being bad?—It is so central in Oxfordshire, and there has been no railway till lately. There is one now, and no doubt that will create a market at Birmingham, and Wolverhampton, and that country. There is another forest, with which I for some time have had nothing to do, which is Hainault Forest, which has been disafforested, and Epping.

868. They do not grow timber now, do they?—Epping never did. At Hainault there is timber of a very considerable value; when I last had any knowledge of it, there was about 36,000 *l.* worth of timber standing upon the Crown allotment.

869. Epping did grow timber, did it not?—It is all gone; I am speaking of the present time.

870. Mr. *Tollemache.*] What is Salcey?—Salcey is a part of Whittlewood. Salcey is a rather nice small possession; about 1,000 or 1,100 acres of very flourishing young oak wood.

871. Did you send any person down to survey Salcey Forest?—No, I did not, until an act should pass to disafforest Whittlewood, I fell it much better not to attempt it. I thought that Salcey was going on pretty well, and that there was not much to be said or done.

872. Mr. *Compton.*] Hainault Forest is disafforested, is it not?—Yes.

873. Mr. *Tollemache.*] Are they going to disafforest Salcey?—It is not a forest.

874. Have you ever considered whether it would be advisable in a pecuniary point of view to sell Salcey?—No, I never took that into consideration.

Martis, 27° die Junii, 1854.

MEMBERS PRESENT.

Mr. Drummond.	Mr. Vernon Smith.
Lord Edward Howard.	Mr. Compton.
Lord Harry Vane.	Mr. Evelyn Denison.
Mr. Chichester Fortescue.	Mr. Brand.
Mr. Tollemache.	Mr. Wilson.

HENRY DRUMMOND, Esq., IN THE CHAIR.

The Right Honourable *Thomas Francis Kennedy*; further Examined.

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875. *Chairman.*] CAN you state the gross extent of the New Forest?—The gross extent I apprehend is a little indefinite, because perhaps it is not quite possible to say what is strictly called forest or not; it is about 66,000 acres; I believe what was originally called the forest was 100,000 acres, but certainly that is not so in a modern view of the case.

876. It is mostly open, is it not?—There is a large proportion of it open, both that upon which timber exists, and that upon which timber does not exist; but, as must be known to the Committee, there have been inclosures made at various periods, which have been thrown open in ancient times; other inclosures which have been made in more modern times, some of which have been thrown open, and there is a statutory quantity which is still inclosed; and there have been proceedings taken in very recent times with a view to inclose and plant a quantity in substitution of that which was last thrown open; the last quantity thrown open was I think about 4,000 acres, and there was a Commission which authorised the inclosure of an equivalent quantity.

877. In Dean Forest, there is a fixed quantity which is always to be open and the remainder is always inclosed; do you mean that any thing of that sort takes place in the New Forest?—There is a quantity beyond which you cannot have it inclosed at any one time, under an old law; then, under what is called the Deer Removal Act, there was a power procured to hold 10,000 additional acres inclosed, in substitution for the surrender of the right of the Crown to keep deer, but that has not yet been acted upon.

878. When did that Act pass?—In 1851.

879. And it has not been acted upon since?—In some respects it has. As regards, for instance, the proceedings with a view to the removal of the deer, which I very nearly carried into effect; but as regards inclosure, it has not been acted upon, it having always been considered reasonable that the right of inclosure under the old law should be carried into effect to its full extent before there was any question of proceeding to inclose under the more modern Act.

880. In this 66,000 acres, independent of any rights assumed by persons upon the forest, does it only belong to the Crown, or is there to be from the value of it deducted their claims?—The rights of the commoners extend over the whole, excepting that their rights are suspended during the period of inclosure, and then if an inclosure is thrown open after the trees are considered to be in a condition not to be injured by the pasturage of the cattle and horses, the right of the commoner revives to go into the areas which were inclosed; that is the meaning of throwing open to the rights of the commoners.

881. Is there much timber left in the forest?—There is a very large quantity of oak timber left, and not only oak, but a very large quantity of beech.

882. Will you state what your opinion is of the best way of managing the forest, and when you entered upon the duties of the forest, what you found the state of it to be?—In answer to that question, I should beg leave to remark that the

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the subject of the New Forest is unquestionably one of a very extended and complicated nature, and that it is extremely difficult in any extent of evidence, such as I entered upon at the former meeting of the Committee, to convey to them anything like a comprehensive idea of the facts and circumstances attending it. But in the first year in which I was a Commissioner of Woods, I endeavoured to make myself as much master of the facts and circumstances, by the perusal of the documents and in all official ways, as I could, and also by visiting the forest as much as it was in my power to do. The report of that year contained extremely little; and at that time it was not the habit of the Office of Woods to enter at any length on the subject-matter of the forests in the annual reports to Parliament. I thought that, I confess, when I became a Commissioner, acting upon my individual responsibility, to be a very objectionable practice, because if a Commissioner was himself ignorant or negligent of his duties, the world knew nothing about the matter; Parliament knew as little; and consequently the forests were a sort of sealed book to the Parliament and to the world. When I became a Commissioner, having the direct and personal charge of the Royal forests, however serious a responsibility it was for an individual to incur, I attempted certainly to alter the practice, and to afford to Parliament as full information as I had it in my power to acquire, or to put into an available condition. The first report, therefore, which I endeavoured to render the vehicle of some information was the 30th report, for the year ending March 1852. But before proceeding to look at some of the facts as arising in that report, I would beg leave to revert to the facts, which I may call the foundation of the whole subject, for a few years anterior to that period; and accordingly in the year ending March 1849, I find that the expenditure in the New Forest was 12,652*l.* 12*s.* 6*d.*; the receipts, 10,349*l.* 3*s.* 3*d.*; leaving a deficit of receipt, as contrasted with expenditure, of 2,303*l.* 9*s.* 3*d.* In the year following, a deficit of 2,412*l.* 17*s.* 3*d.* In the third year, ending March 1851, a surplus of receipt over expenditure of 3,151*l.* 11*s.* 8*d.* In the year ending March 1850 the gross receipt was 9,555*l.* 15*s.* 3*d.*; the expenditure, 11,968*l.* 13*s.* 6*d.*; leaving a deficit of 2,412*l.* 17*s.* 3*d.* In the year ending March 1851 the gross receipt was 13,521*l.* 9*s.* 10*d.*; the expenditure was 10,369*l.* 18*s.* 2*d.*; leaving a surplus of receipt over expenditure of 3,151*l.* 11*s.* 8*d.*

883. Is that return in the report of 1850?—It is in the 30th report, pages 94 and 95. Then I would observe, that the year 1848–9 was the year in which a former Committee of the House of Commons sat upon this subject, and that in connexion with that Committee certain reports were presented for the information of that Committee, which were prepared by the desire of the Office of Woods. Those reports were made by Mr. Clutton, and in looking over those reports, which I did not find contributed much to my assistance in practically managing the New Forest, or the other forests, I naturally referred to the instructions which Mr. Clutton received, and I do not mean to say that Mr. Clutton did not follow out the instructions he received; probably he did so in a very reasonable sense; but those instructions certainly did not go into the real substance of the case, namely, the vast and important subject of the profitable condition or otherwise of any forest; and, with the permission of the Committee, I will put in a copy of the instructions, which were issued to Mr. Clutton for his guidance, and on which his report no doubt was founded.

884. Mr. *E. Denison.*] By whom were those instructions signed?—By A. Milne, a Commissioner of Woods at that time. That letter applies to the New Forest, and here are the remaining series of instructions which were issued to Mr. Clutton, signed by Mr. Milne at several dates subsequent to that, generally referring to the instructions on the New Forest as the most comprehensive which had been issued, and desiring him generally, as a sort of abbreviation of instruction, to make such suggestions in reference to the instructions communicated respecting the New Forest, in so far as the same may be applicable. The case to which I am referring just now is Chopwell Woods; there can be no two subjects more totally dissimilar than Chopwell Woods and the New Forest, but still the leading letter of instructions was the letter to Mr. Clutton, of the 13th February 1849, about the New Forest.

885. Will you read it?—"On behalf of the Commissioners of Her Majesty's Woods, &c., I send you a map of the New Forest and various accompanying

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documents, explanatory of the former and present state of that forest, and particularly of the measures taken under two Acts of Parliament, viz., 9 & 10 Will. 3, c. 36, and 48 Geo. 3, c. 72, for promoting an increased growth of timber therein, for the use of the navy; and I am to request of you to proceed to the forest at your earliest convenience, and after viewing the lands, woods, and plantations, to report to the Board the best opinion you can form upon such inspection as the time and circumstances will permit: 1st. As to the general adaptation of the different tracts and various qualities of land in the forest for purposes of agriculture, growth of timber or pasturage, their extent and values, in your opinion, respectively, in their present state, the estimated average cost of reclamations from waste, and the estimated value, per acre, if reclaimed. 2d. The like opinion of the extent of open forest-land now in timber, its description and quality, and your idea of the probable quantity of timber now applicable to naval purposes, or in progress of becoming so. 3d. The like opinion of the acreage value of the land, timber, &c., upon the inclosure called 'King William's,' containing 1,022 acres, understood to have been inclosed and planted immediately after the passing the Act above referred to. 4th. The like as to three inclosures, Philipson's Inclosures, containing about 230 acres, made about the year 1756, but which, if ever properly fenced, have been open to the forest for many years. 5th. The like as to such of sundry inclosures called 'Pitt's,' made about the year 1775, containing about 1,100 acres, which were kept fenced till a considerable extent of plantations therein was beyond injury of deer, &c. 6th. Your particular attention is requested to the state of plantations made at different times since 1808, some of which have since been laid open, and others of equal extent taken in; and that you report your opinion as to the fitness or otherwise of the lands comprised in those plantations for the growth of oak timber, its acreage value in its original state of waste, and the present acreage value of the respective tracts, distinguishing soil and produce; also your opinion as to the mode in which those plantations were managed, whether sufficiently protected, properly drained and thinned, or otherwise, with suggestions you may be able to offer for their further improvement."

886. Those instructions appear to be very wide and general. In what way did the report made in answer to those instructions correspond with the instructions, or was it deficient?—I should say, generally, that the report was a very fair answer to those inquiries without going into the details, which, not having read the report for a considerable time, I cannot from recollection state; but of course that report will much better show than I could state. But what I wished to point out in reference to this report was, that it conveyed no instructions to Mr. Clutton to go into what I hold to be a very important subject, as to the establishment and expenditure, and efficiency, or any of those financial considerations which are of the utmost importance in a territory of that magnitude, where there was an account of the actual deficiency of income; and in previous years, I believe, though there are no accounts which one can get at previous to 1848, the deficiencies were still greater.

887. There does not appear in those instructions to be any directions to consider the state of the establishment, or the amount of charges?—None whatever; still upon that immensely depended the profit or otherwise of the whole possession.

888. *Chairman.*] The instructions ought to have been directed that way, but they were not?—Certainly.

889. Mr. *E. Denison.*] Will you proceed with your statement to the Committee?—I have given the state of the revenue for three years, ending March 1851; then I had thrown upon me the responsible administration of the forest individually, in October 1851, consequently it was my duty to see what could be done in a financial point of view, because at that time it was impossible to take any sudden movement for a general amelioration of the management of the forests; but considering the condition of a great deal of timber in the forest, and the propriety of making the forest not only pay its own expenses, but, if possible, contribute in a reasonable way to the public revenue, I determined to pursue the system which had been acted on in the previous year by a late Board, of supplying timber to the Royal Navy, with this difference, that I considered it desirable to supply as much as the Board of Admiralty were prepared to take; and

and without going too much into detail upon that subject, I had an estimate formed of what could be done in that way, economising in other ways as much as I could, but it was not much in that year, and what I now state is not the result of my estimate, which I do not now allude to; I forget exactly what that was; but I now give the actual ascertained account, as the three previous statements were ascertained accounts, and for the year ending the 31st of March 1852 the financial statement as to the New Forest is as follows: the gross receipt, 23,590*l.* 3*s.* 8*d.*; the expenditure, 14,511*l.* 1*s.* 4*d.*; leaving a net receipt of 9,079*l.* 2*s.* 4*d.*; so far it was a small improvement, although that I considered still not a large, or at all, a sufficient income for the territory to produce.

890. Did it happen in the New Forest, as happened in Dean Forest, that the timber cut was generally received by the Admiralty?—The timber which was cut was not received. I mean to say, that a very large proportion of it was rejected, and that will be seen in a still more remarkable degree in the following year, because I pursued the same course, and certainly a very large proportion of the timber was rejected, which circumstance led me very decidedly to persevere in the course of cutting timber, upon the principle that if 10 trees were rejected this year, very likely 12 trees might be rejected next year, from the progress of deterioration which was inevitably going on, and which nothing could arrest.

891. Lord *H. Vane.*] Were they rejected on account of some deterioration?—From some defect.

892. Not on account of their not having reached a sufficient magnitude?—No. The mode in which the affair of felling timber for the navy was managed was this: the deputy surveyor was told the sort and quantity that was wanted, and he was then told to say what number of trees must be felled in order to give a fair chance, from his knowledge of the condition and quality of the trees, of producing that quantity of loads. His orders comprised two classes of timber; timber that was fit to cut for what was called sale and repairs, namely, trees of an inferior class, which never could be fit for the navy, from their size and quality and kind. All that was included, however, in the Queen's warrant, because there is no power to fell timber without a Queen's warrant; but then an important head of felling is, that class of timber which, from its appearance, magnitude, shape, and apparent visible condition, ought to be fit for the navy. When I talk of a deficiency as between the timber felled and the timber accepted on behalf of the dockyards, I mean the timber which is rejected from that class of timber which ought to be, from the magnitude and appearance, fit for the navy, and it was out of that class that a great deficiency unquestionably existed.

893. *Chairman.*] That is, the quality of the land is not sufficient to grow timber of the largest size; it becomes faulty before it attains a large size?—There are qualities of land of all kinds, some upon which navy timber certainly will not grow; there are others upon which timber of sufficient size will grow, of which some may be good, and some may become bad from the quality of the land not sustaining it up to a very great age, and consequently it would have been a far better policy to have cut that timber when it was good than to have left it until it became bad.

894. I presume that is from the land not being sufficient to grow it?—No doubt the smaller timber was growing upon the inferior soils, and which, probably, should never have been used for the growth of navy timber.

895. Lord *H. Vane.*] Did that arise at all from the trees being too close together?—Undoubtedly there are parts where the trees are, what I should call, too close; on the other hand, I am not prepared to say that very fine, straight, tall timber, and very valuable timber, may not be grown very close.

896. Mr. *Fortescue.*] Can you state the proportions in which the timber was rejected in those particular years?—I cannot state it off-hand.

897. Mr. *Wilson.*] Was not it the case that a number of those trees that were rejected grew indifferently with those that were approved, and they proved to be defective after they were cut down, contrary to the expectations of persons?—Unquestionably.

898. And therefore they grew indifferently upon the same soil under the same circumstances, and under the same management?—Unquestionably.

899. There is no general reason, that you can give, for the defective quality

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of those trees, as apart from the condition of the sound ones?—There is one reason; I believe there had been very great negligence as to the felling of timber previously, and that trees taken down had been allowed to come down upon the others, and broke their limbs, and wet was allowed to get in, in the same way as with bad pruning, and by that means I believe a great many have been damaged in the New Forest.

900. Was not it the case that the navy timber had been selected by the proper authorities in the forest as sound timber, while the trees were standing, and that they were disappointed in the result when they came to be examined by the Admiralty authorities for the purpose of acceptance or rejection?—Unquestionably; and upon that point I would merely observe that I think it is quite possible that intelligent persons may be deceived with trees when standing; but, on the other hand, I do not think there was sufficient knowledge or experience in the officers in the New Forest to judge as accurately as they ought to have been able to judge; I think there should have been a greater capacity to know whether the tree was or was not likely to be a sound tree before it was felled.

901. *Chairman.*] It is quite clear that the authorities in the forest did not understand the matter so well as the authorities from the Admiralty?—In justice to any forest authorities, I must say that there is not the least question, that before a tree is taken down you cannot apply to it the tests that the Admiralty Purveyor applies to it; and a most enormous evil arises from those tests, because the Admiralty Purveyor comes and bores holes in the trees in all directions, in which he is quite right, for the benefit of the navy; but then he injures the tree extensively, and it afterwards appears under the circumstances of damaged goods.

902. Lord *H. Vane.*] Cannot they ascertain the quality of a tree without subjecting the tree to such a process?—I am afraid not sufficiently.

903. *Chairman.*] They are not allowed to do it if they buy timber of private individuals?—No.

904. Mr. *Compton.*] Is it totally impossible for any one to know whether a tree is sound or not, when it is standing, until it is tested?—It is a question of test; unquestionably there are many cases where it is utterly impossible, where it is quite certain a man may be mistaken until it is tested; but, then, on the other hand, I think a man of great intelligence would come to a pretty sound guess as to whether it was sound or was not sound.

905. Mr. *E. Denison.*] Did you state that any of the authorities from the navy, or elsewhere, had bored into trees while they were standing, and in that way had injured them?—Never, that I have heard of.

906. Your statement simply was, that after the timber is cut, and a block of timber is lying on the ground, the Navy Purveyor comes and examines it, and he is permitted, on behalf of the navy, to bore into certain parts to ascertain whether the trees are sound within?—Certainly.

907. It was observed that the Navy Purveyor would not be permitted to take that liberty with the tree of a private individual of whom he was going to purchase?—I should apprehend not; I should say that private individuals would say, "You must take this tree for better for worse;" but there is a sort of prerogative of the Crown exercised for the safety of the dockyards; and there is a thing that I have very much objected to in the New Forest, which was a sort of disposition to get as many trees into the dockyard as they could, as if there had been a divided interest between the forest and the dockyard. I thought whatever the forest might suffer the navy ought not to suffer, and that there was but one interest, and that the interest of the public.

908. Can you at all state to the Committee by examination, the sort of percentage of rejected trees, because the only way in which the Committee can judge of the good or bad discretion of the foresters, would turn upon the sort of amount rejected; no doubt mistakes will arise upon certain trees, but if the mistakes are very wide, it would give the Committee an opportunity of judging of the discretion and intelligence of the parties?—With reference to the year of which I have just been speaking, ending March 1852, I am afraid I should put the Committee to great inconvenience, if I were to search for the account; but if I am permitted to go to the next year, I can give precisely what is wanted. In reference to the next year, ending 31st March 1853, I will take the liberty of stating the estimate that I have framed for that year, because very early upon coming

coming into office, I determined to proceed in all things by having previous estimates, which was giving one a sort of map of what one ought to endeavour to realise, and if one did not succeed it could not be helped; but it was an attempt at a particular definite conclusion, and it came to undergo the test of actual accounting afterwards.

909. Mr. *Wilson.*] Was the estimate which you gave for 1852 ending March 1852?—Yes.

910. It was the year 1851–52?—Yes. I may just mention that the three years I mentioned were, ending 31st March 1849, the 31st March 1850, and 31st March 1851. Then the fourth year was the year ending 31st March 1852; and I am now about to proceed to the fifth year, ending 31st March 1853. The estimate I formed for that year was a gross produce of 28,898 *l.* 8 *s.* 10 *d.*, and an expenditure of 10,970 *l.* 7 *s.*, leaving a gross income of 17,928 *l.* 1 *s.* 10 *d.*

911. Mr. *E. Denison.*] When you say you formed it, you mean to say that you obtained it from the estimate of the parties on the ground?—I issued instructions as to the principles upon which I wished the estimate to be framed; of course, the carrying out of those principles was practically done by the officers upon the spot; I should have been incapable of doing anything of the kind. Here I may mention that I had introduced a principle which I thought very important; formerly it had been the practice to put together all sorts of expenditure, whether it was annual expenditure, strictly so called, or the expenditure of capital derived from income, and accordingly, I determined to draw a distinction between those, because if a sum of money was to be expended as capital, to be reproductive of income in future years, I considered that was a totally different expenditure from the expenditure of income upon the mere establishment, which was evanescent in the year in which it took place. I then stated the gross income of 17,928 *l.* 1 *s.* 10 *d.*; then I contemplated an expenditure in the shape of capital, but derived from income, of 3,250 *l.* in that year.

912. Mr. *Wilson.*] In addition to the 10,000 *l.*?—In addition to the 10,000 *l.*, leaving an approximate net income, after every species of disbursement, of 14,678 *l.* 1 *s.* 10 *d.*; that, I considered, ought to be the available income to be paid into the Exchequer, having a reserved fund of 3,250 *l.* kept, for what I considered judicious expenditure.

913. Will you just mention the distinction that you made between the 3,200 *l.*, and the 10,900 *l.*?—The nature of the 10,970 *l.* was the payment of labour in all shapes; in felling trees, in barking them, in preparing them, in thinning the woods, in cleaning the ditches, in the payment of woodmen, in the salary of the deputy surveyor; in the whole of the expenditure, which was very large, on the subject of deer, and of game-keepers, with all their allowances.

914. The current annual expenses?—The current annual expenses.

915. What was the 3,000 *l.* for?—That was chiefly destined for certain plantations, which were about to be made upon those portions of the forest authorised to be enclosed, in lieu of the 4,000 acres thrown out.

916. Lord *H. Vane.*] They were entirely new plantations?—They were entirely new plantations: that is to say, enclosing, draining, and planting.

917. No portion of that 3,000 *l.* was to be applied to filling up other portions?—There were many things beside the planting; I included the filling up in the 3,250 *l.*, if there was such an item, but I do not know whether there was or not; that was the estimate for the year. I come now to the actual account, because, in my Thirty-first Report to Parliament, page 168, I give a statement, showing the net surplus and deficiency of each forest, for the year ending March 1853, and the difference above or below the estimate on the produce belonging to that year; this account came, therefore, as an actual test of figures, the severest of all tests, upon my estimate; the result of that was, that the gross receipts amounted to 30,224 *l.* 19 *s.* 4 *d.*; the expenditure to 17,253 *l.* 13 *s.* 8 *d.*; the net surplus of the year, or income, amounted to 13,094 *l.* 1 *s.* 3 *d.*; and a head also appears here, namely, the difference between my estimated income and my actual income; my actual income fell short of my estimated income by 1,584 *l.* 0 *s.* 7 *d.*; but still, under all the disadvantages, my actual income was 13,094 *l.* Then my report proceeded to explain the causes of this; and I availed myself of the accuracy and ability of a young man in my office, who has been placed there but a very short time, but has shown very great talent in his duty, a person denominated the examiner of forest

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accounts; he examines and checks all the accounts and estimates; and at the end of the year I was in the habit of calling upon him to report to me strictly and vigilantly upon the accounts of the deputy surveyors, and to account to me for all such differences as I have now stated.

918. *Chairman.*] What is his name?—Mr. Sowry. In the appendix to that report, there appears a report by him, stating the reasons why this deficiency arose; there was an excess of produce on the one hand, and a deficiency on the other as compared to the estimate adverted to, but that was the balance of the account.

919. Mr. *Wilson.*] You put down 3,250 *l.* for permanent expenditure of capital. Was there any planting in that year?—That was in the year 1852.

920. In this year 1852–3, you estimated 10,970 *l.* for the current expenditure, and 3,250 *l.* for the expenditure of capital for planting?—That was for the year ending 1852.

921. It is the year to which you have just been referring, the year 1852–3?—Yes, it is.

922. You stated that there was 10,970 *l.*, the estimated current expenditure, and 3,250 *l.* which you put down as capital, which would have been expended for reproductive purposes, and you made the surplus 17,928 *l.* in the one case, reduced by taking credit for 3,000 *l.*, which came out 13,000 *l.* Then you inform the Committee, that the expenditure was 17,250 *l.*, and the surplus 13,000 *l.*; now what proportion of the 3,250 *l.* was expended for the purpose of replanting?—I cannot give a correct answer to that question in figures, but I can substantially explain the subject. During the currency of that year, certain circumstances arose, which appear in the reports, which satisfied me that it was my bounden duty to suspend the planting, because it was not going on in a manner satisfactory to me, consequently I stopped the planting. Still there was a considerable outlay, because there was the enclosing, and I carried forward the draining; but that subject it would have been my duty to advert to under another head of my evidence, in which I should come to speak of the very subject of planting, when I come to discuss various other subjects, which I propose to do in the progress of my evidence.

923. Can you separate the actual expenditure in the way that you separated the estimate expenditure?—No, I cannot.

924. The accounts before you do not do that?—No, they do not.

925. Mr. *E. Denison.*] Will you now proceed to give the Committee the explanation of that deficit, and state what proportion of the timber turned out to be damaged, and was rejected?—With the permission of the Committee, I was going to refer to my 31st Report, in which I endeavoured to include as much matter which was important as possible, but with all my pains to do so, of course there are many defects; but there was one subject I had treated of in the first instance, which was the subject of turf cutting, in the order of the report. I wished merely to advert to it in passing, that I considered it to be a most serious evil of enormous extent. I may say, that I had it represented to me, that the extent of the surface of the forest destroyed amounted almost to 100 acres annually. I will now go to the point of the deficiency in the navy timber; there is a very long statement in my report upon this subject, and a very long correspondence; and the result of the thing, when it came to my knowledge, was so serious, that I determined to institute an investigation into the causes of it and the facts, and, if possible, to ascertain whether any injustice had been done to the forest by the severity, if I may so speak, of the Purveyor of the Navy, who was a man in whom I had great confidence, and in whom the Admiralty had great confidence, but still it was quite possible he might have done injustice to the forest.

926. Mr. *Wilson.*] You speak now of the winter of 1853?—Yes.

927. You are not now alluding to the rejections of the year 1852?—I am; I may state a fact, in the first instance, that what I desired should be furnished to the navy was 2,000 loads of *accepted* timber; and I was quite well aware that it was indispensable to cut down a great many more loads than 2,000, in order to have any chance of supplying that quantity; and I perceive, on reference to this report, that the quantity of loads that the deputy surveyor considered it necessary to cut down, in order to produce the 2,000 loads which the Navy Purveyor could accept, was 2,635 loads, consisting of 3,115 trees. Accordingly, those 3,115 trees or 2,635 loads were inserted in Her Majesty's warrant,

warrant, and I was authorised to direct the felling of the same. The purveyor spent a long period in the forest, and went through a very laborious duty indeed in purveying, as it is called, all this timber; then towards the end of the year he reported to me that his work was done, and that he was coming away, and that so-and-so was the result. I had previously been informed, a few days before, by the deputy-surveyor, that such was the fact also; but Mr. Cumberbatch did not inform me of the great deficiency that had arisen. When I heard of this from the purveyor, Mr. Freebridge, I certainly was very much disturbed and annoyed; first, that there should have been so great a mistake or misapprehension, or whatever one may call it; and, at all events, I ought to have been informed of it by the deputy-surveyor in the first instance; Mr. Freebridge informed me of it, and I went into correspondence with Mr. Cumberbatch upon it, and it was not a very agreeable correspondence, because he did not like to be found fault with, as I thought I had a right to do under the circumstances. However, I considered it indispensable to have an inquiry, to see whether Mr. Cumberbatch had been ill-treated, whether Mr. Freebridge had too severely tested this timber, or how the case was; and accordingly I sent Mr. Martin into the forest, a very able man, to examine into all this; and the result of it was this, that of the 2,635 loads, only 936 loads and 49 feet were accepted by the purveyor; in addition to which, however, there were 36,777 trenails and 984 boatcrooks; then I had a table formed upon this, in the shape of contrast with some of the other forests, as to the relative proportions of rejections: the New Forest amounted to, acceptance, 46.8 per cent., and the rejected, 53.2 per cent.; that was as applied to the New Forest.

928. Mr. *E. Denison.*] Are you giving now trees or loads?—Loads; the loads are 2,635 cut, of which it was expected 2,000 would be fit for the navy; then the per-centage is the per-centage on the 2,000, not the per-centage on the 2,635; perhaps that exhausts the point upon the subject of the navy timber, excepting that there is a very great deal of matter in the report upon this subject, and in the correspondence all the detailed affairs upon it.

929. You stated to the Committee both loads and trees; you said there were a certain number of loads, and you added that there were 3,115 trees?—It required the 3,115 trees to produce the 2,635 loads.

930. Do your figures furnish you with the means of saying, out of the 3,115 trees, how many trees were rejected?—No, they do not; and Mr. Martin in his very able report gives the reason why I am not furnished with that information, because it would have taken him a very long time to have made the double calculation.

931. Can you state to the Committee if the accepted timber is valued at such a price, what the rejected timber, and that timber which you have to find sale for in other ways, goes for?—The only answer I can give about the rejected timber, and other timber which is sold, which is never submitted to the purveyor, because a considerable portion never is submitted to the purveyor, is this: I know in the present year, 1854, there has been a considerable increase in the price of timber; I do not know what it amounts to; but in the three first years in which I was in office, I was very much disturbed at the low price at which that timber sold, and it appeared to me to average about 1 *s.* or 1 *s.* 1 *d.* a foot.

932. Mr. *Wilson.*] That is the rejected timber?—All that did not go to the navy.

933. What had been navy timber?—What had been navy timber, but rejected; and what had been felled, not for the navy, but what is called sale, namely, the country markets.

934. Mr. *Compton.*] Do you know the age of this timber cut all over the forest?—There are records of certain plantations, and of these the age is pretty well known; but there is a great deal of history of which we know nothing.

935. You know the age of Pitt's enclosure?—Yes.

936. Mr. *Wilson.*] This timber was not cut, if I understand, indiscriminately to clear a certain quantity of ground, but it really was selected timber all over the forest?—It was both, as I understand it (because I have not been in the forest since it was done), there were certain portions of it cleared in order to make way for plantations, and whatever could be had was taken; but, on the other hand, my instructions were to find for the navy a certain quantity of timber, and to go for it where I could find it.

937. Did not Mr. Brown, in his Report, allude to that subject rather in con-

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demnation of the practice; that this timber had, in consequence, as he thought, of bad forest practice, been selected all over the forest, and not cut down and cleared from a particular space of ground?—I do not consider that that was Mr. Brown's opinion.

938. Mr. *E. Denison.*] What do you consider to have been Mr. Brown's opinion?—I consider Mr. Brown's opinion when he was called upon for explanation, but which his last report will much more directly state than I can, was, that you ought to find the navy timber wherever you could, and then proceed to clear where that timber had rendered the woods too thin.

939. Mr. *Tollemache.*] How is the price at which timber is sold to the Admiralty decided upon?—The Admiralty have certain tabular statements of prices which they give to their contractors, because the Admiralty have a great deal of timber besides what it gets from the Crown; and they profess, and do give to the Crown, the same price that they give to contractors for timber of similar scantling and quality, under a deduction, I think, of seven per cent. That was the arrangement made with the Admiralty before I was a Commissioner of Woods; and I really am unable to say what the principle was upon which the Admiralty chose to give us seven per cent. less than the contractors. In a previous question, an Honourable Member alluded to the estimate, which must be founded upon a certain price for timber; no doubt the deputy surveyor makes a sort of average price, 6 *l.* or 7 *l.* a load he estimated it; but then it may fall far short of that, or it may exceed it, according as the trees are very valuable from quality, or size, or shape. For instance, if a tree of enormous size was to turn out a tree of singularly good quality and of almost unparalleled magnitude, then the price per load for that would be something very great indeed. For instance, Mr. Brown, when he first went into Dean Forest, saw an oak tree there which happened to be of singularly fine quality, and he said, that tree is worth 100 *l.*

940. A portion of the oak sold from the New Forest goes to the Admiralty, and a portion is sold to the public; that which is sold to the Admiralty is taken on a certain scale, and that which is sold to the public is sold by auction?—Yes.

941. Was the sum at which you sold the timber by auction much greater than that at which the timber was sold to the Admiralty?—Infinitely less.

942. Did the timber that was not rejected, and was sold to the public by public auction, fetch comparatively a higher price than that which was sold to the Admiralty at this fixed scale?—It produced far less.

943. Simply because it was of an inferior kind?—Yes; it was not even submitted to the purveyor.

944. When the Admiralty buys timber of a private individual it is done in this way; there are certain large timber merchants and contractors who supply the Admiralty at a certain rate, and, of course, they take care that no timber shall be tested in this way by the Admiralty purveyor unless they are pretty sure it will bear the test; but do you think it would answer better in Royal Forests if timber was sold in the same way as private individuals sell their timber, namely, to these large timber merchants by auction, and that the Admiralty should purchase the timber through them instead of directly?—My own impression is, it would be greatly to the disadvantage of the forests, because, of course, those contractors must make profits, and they would endeavour to over-reach the forest as much as possible.

955. Mr. *Wilson.*] And in the price they gave they would estimate for the risk of all the rejections?—Yes.

946. Mr. *Tollemache.*] You believe that, in a pecuniary point of view, the present system would be the better one, in so far as the interest of the forest is concerned?—Undoubtedly.

947. Mr. *Compton.*] Has not that been the custom for a great many years?—Yes; I believe that what the Honourable Member alludes to opens up a question of a very disagreeable kind, which is this, that formerly wood was cut down, in the New Forest in particular, while it was professed there was no supply to the navy direct, and that, at those sales, all sorts of timber were bought by contractors and dealers, supposed not to be fit for the navy, and even some of the rejected timber, and afterwards it was sold to the Government with a great profit, to the infinite loss of the forest; I believe that system has

has existed, and was one of the gross abuses that existed, especially in the New Forest.

948. Mr. *Wilson.*] You have no suspicion of it within the last few years have you?—I have heard of nothing of the sort.

949. Mr. *E. Denison.*] Will you pursue the course which you were following, and carry forward the information you were giving to the Committee?—I will follow up the subject of the timber; I am now upon it; and I will mention to the Committee that this very subject to which they have directed their examination of late, namely, the subject of timber sold to the public, was the origin of my taking the step, which undoubtedly turned out to be a very important one, of requesting Mr. Brown to proceed to the New Forest; my original intention in that was a limited object. I was so dissatisfied and so disgusted with the circumstance of such a quantity of oak timber being sold at what I considered an excessively low price, that I wanted to have the experience of a man highly skilled in these matters, and in a country where, strange to say, the price of timber was at least double; because in Scotland we were getting 2*s.* 6*d.* a foot for oak wood, while it was being sold at 14*d.* and 15*d.* a foot in the New Forest; that was to me very incomprehensible.

950. *Chairman.*] Was it sold at so low a price in any of the other forests?—I believe in all; in Dean Forest especially.

951. Mr. *Wilson.*] And by public auction?—Sometimes that way, and sometimes the other; but there was a disagreeable system there. In Dean Forest auctions were held, nobody would bid, or they would bid an inadequate price. Then again, cunning gentlemen would send in letters offering; then those letters were sent up to me; the deputy surveyors neither could nor were inclined to take the responsibility; and here was I sitting in Whitehall, called upon to say whether I would accept the offer of Mr. So-and-so for 3,000 feet of oak wood. I was bound to sell the timber, but how could I tell whether it was a proper price or not, and yet I was called upon to be responsible. I was about to send Mr. Brown into the New Forest to tell me how far, in his opinion, it was possible to realize a better price to the timber. I had again my favourite fancy about a saw-mill, that it might be very beneficial. Mr. Brown was to attend a sale, because a sale was about to be held in December 1852, and I had arranged that Mr. Brown should attend that sale to see how the thing was carried on. At this time there turned up that very disagreeable investigation, when it was necessary to send Mr. Martin into the New Forest to examine into the navy timber. Then I was obliged to suspend this sale, which was fixed for a particular day, and consequently Mr. Brown's intended purpose in his visit was disappointed. The sale was put off and Mr. Brown could not do what I wanted, but as he had been directed to go there I then conceived the idea of availing myself of his opinion and services upon other subjects, and I directed him to look into the progress of the planting; the very planting that was to be paid for out of the 3,250*l.* that has been alluded to as a reserve fund, and I also said "You cannot be many days in the forest. I do not wish you to spend a very long time there, but I should wish you to take a general view, and to give me, in short if you spend a week there, as much information as you can;" then, out of this instruction to examine into the planting, arose the papers which form an important part of the Appendix to the 31st Report in reference to the New Forest. Mr. Brown reported very unfavourably of the practical performance of the planting in the New Forest. First I received a letter from, and then I desired him to make me out a regular and detailed report upon the subject; he did so; when I received it I certainly was a good deal taken aback, because what was to be done? It was a very serious subject, and I felt that my own individual opinion upon such a subject, backed even by Mr. Brown, might not be excessively valuable in the opinion of some persons, and that it was the opinion of a mere individual. I for a short time considered what I was to do, because, that I was obliged to do something was quite clear. I could not undertake the responsibility of permitting the planting to go on in such a way as to ensure a failure; accordingly, upon a little reflection, I decided to write to three persons, whose eminence I thought would be a guarantee for the value of any opinion that they might give. I desired to have an impartial opinion, whichever way it might be, and accordingly I wrote a private letter to Sir Joseph Paxton, Sir William Hooker, and Professor Lindley. It appeared to me that they were gentlemen of such high station, and the eminence of their knowledge in such things was such,

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that I could have no such good authority, asking their permission to send to them Mr. Brown's reports upon this planting. They then were in possession of all the information with which I was furnished, and they with all their practical skill had the same means of forming the opinion that I was called upon to form, with infinitely less capacity so to do. They at once gave me permission; I sent them the papers, and they furnished me with reports; all those papers are arranged in the Appendix to this Report; their opinions, although they a little varied, which made them all the more valuable, entirely confirmed the impressions that Mr. Brown had conceived as to certain principles, especially the drainage of the land, the size of the trees, and the whole essential circumstances of making an effective plantation. As soon as I got those reports, I transmitted them to the Treasury; but in the mean time I thought it absolutely necessary to exercise an act of authority, which I was perfectly entitled to do, which was to suspend the whole planting, with this exception, that I directed the drainage to proceed upon the principles recommended by Mr. Brown, being myself entirely of opinion that the old-fashioned mode of draining in the New Forest was not proper, and that Mr. Brown's system was the proper system to be executed.

952. *Chairman.*] What was the difference between the two systems?—The difference was, that the old system appeared to be to cut certain drains where there was stagnant water on the ground, and where it was swampy and excessively wet. Mr. Brown's system was a regular system of through drainage; not at all the sort of drainage that you apply to other land with pipes and tiles but mere open draining at a cost of about 30*s.* an acre. The deputy-surveyor remonstrated, and gave many reasons which I did not think good ones, but there was no harm in that; he was a young man of very little experience, and consequently I did not regard his objections, compared to my own opinions and those of Mr. Brown. Then that induces me to state upon the subject of planting, that planting in the New Forest for the navy of England 150 years hence is no joke, and that if a system of that sort is to be kept up for the growth of navy timber, it behoves any man who lives in the present day, and who is charged with the responsibility of such works, to take care, both for the service of the country and his own credit, that such works shall be carried on in a most satisfactory manner, and therefore I certainly felt that the question of whether those plantations went on a year sooner or later was an absolute trifle compared with the serious question that arose. Then I could not help recollecting this, that although Mr. Cumberbatch, the deputy-surveyor, is a very clever, well-educated, active, intelligent young man, he was placed in that responsible position of deputy-surveyor of the New Forest when he was only 21 years and six months old. Mr. Cumberbatch may have seen planting by other persons, but until he commenced planting in the New Forest, he never could have planted a tree himself; he never had an opportunity of doing so. I myself have had some experience in planting. Mr. Brown has had a great deal, and every one knows that planting is a thing which, if it is to be well executed, ought to be done in such a place as the New Forest by some one who really knows, from practice and experience, what he is doing.

953. *Chairman.*] Had not Mr. Cumberbatch worked under Mr. Clutton?—He may have been present at some operations of Mr. Clutton's as a surveyor in the country, but certainly he was not a responsible planter anywhere.

954. You are aware that Mr. Clutton is the manager of a great many estates?—Unquestionably; but then Mr. Cumberbatch was a young man of 24 years of age. I mean to say that on his own responsibility he never planted land; I do not mean to say that he did not visit the country with Mr. Clutton, or in his service; most probably he did, but it appeared to me to be a very plain proposition that a man, 24 years of age, would have very little experience in planting. Then I made those reports to the Treasury, and certainly as well as I recollect, I stated in those reports that it was a very momentous subject, and that it was not for me to decide what course was to be taken without their Lordships' full consideration and instructions, but then a collateral subject arose of very great importance, which was the means of planting. The nurseries which had been kept in the New Forest were, in my opinion, of a very antiquated and unsatisfactory kind, in which the trees were allowed to grow up to an enormous size, and then trees were planted out of a size quite unsuited. In short, there was no preparation for good planting; accordingly, I desired to have

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have from the deputy-surveyor a precise report upon the condition of the nurseries. That I received; it was a very satisfactory document in the sense of telling the exact state of the case, but that state of the case was highly unsatisfactory. Then I transmitted that report to Mr. Brown, and I desired to have from him his opinion of the existing nurseries, and his opinion of what ought to be done with a view to be prepared to carry on the planting in an efficient way. In the first instance, the portions of planting that were about to be done immediately, which amounted to 4,000 acres under the old system, namely, the 4,000 acres that had been authorised to be enclosed in lieu of the land thrown out, but then by this time there was the prospective object of planting 10,000 acres more, which had been authorised to be enclosed progressively under the Deer Removal Act, so that there were, at the time that all this arose, 16,000 acres. If I was allowed the free administration of it, it would have been my duty to order no less than 16,000 acres to be planted in the New Forest for the navy of England 150 years hence. Mr. Brown made a very elaborate report upon the subject of the nurseries, which I sent to the Treasury. He recommended the formation of nurseries upon the most improved and modern principles, such as are practised by the most intelligent men in the empire. Those reports went to the Treasury, and undoubtedly it was for their Lordships to take such time as they might think fit to consider the whole subject, and issue such instructions to me as they might think fit. That happened in the spring of 1853; no doubt many circumstances adverse to the subject being decided had occurred in the interval, but after due time, when I quitted the administration of these affairs, I had received no instruction upon that subject, or no opinion.

955. Mr. *Wilson.*] Did you submit that to the Treasury for the purpose of obtaining instruction?—Undoubtedly.

956. Was it submitted in any other form than merely generally with Mr. Brown's report?—I do not remember the words of the letter, but the spirit of my report was to the effect that it was something upon which I could not presume to act without instructions from the Treasury.

957. Was it submitted in any other form than as part of Mr. Brown's general report upon the forest?—Certainly not.

958. That report was referred to Mr. Clutton for his opinion, with your concurrence?—It was referred to Mr. Clutton; my concurrence was never asked or given.

959. You assented to the propriety of it?—I never should have thought of dissenting.

960. Mr. Clutton did report, did not he?—Certainly he did report.

961. And Mr. Clutton entirely agreed with Mr. Brown, so far as regarded his observations and proposals with regard to the nurseries?—I have no doubt that is quite correct; he did agree to a considerable extent.

962. Generally he agreed with the observations and proposals of Mr. Brown with regard to those nurseries; did you think it necessary to receive any specific instructions from the Treasury when both those parties concurred in the opinion?—I understood that the whole subject of forest management was suspended in consequence of the unhappy controversies about Mr. Brown's reports. Undoubtedly I considered that I was precluded from taking any steps whatever upon that subject, as well as upon every other part of the general forest management, having been very much found fault with for having employed Mr. Brown at all.

963. Whether there was a concurrence of opinion or not?—Unquestionably.

964. *Chairman.*] You do not suppose that the nurseries in the New Forest are the ordinary and approved system of managing nurseries in England?—I should hope not, for the sake of England.

965. Mr. *E. Denison.*] I understand that Mr. Clutton concurred in the observations that Mr. Brown made about those nurseries, and in Mr. Brown's suggestions for their improvement?—I have no doubt the impression is perfectly correct; not having read that report of Mr. Clutton's recently, and having had an enormous number of other reports to read since, the thing is not perfectly fresh in my recollection.

966. Mr. *Compton.*] What nurseries have you ordered to be made?—I have given no order whatever.

967. Mr. *E. Denison.*] Will you proceed with your statement to the Committee?—

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mittee?—It was an inquiry as to the planting of the nurseries; then Mr. Brown, acting from my instructions, since it was impossible for him to do anything about the sale of timber, allotted some days to the New Forest; five or six days, I think, and he proceeded to the best of his ability to apply that time to a general inspection of the woods and plantations. Then that led to certain reports of his upon the general subject of the New Forest. I had told him to embarrass himself as little as possible with the subject of forests, as creating difficulties, but to look upon the thing as much as possible as if it was a fee simple estate with certain wood upon it, because what I wanted to get from him was, not discussions upon forests as contrasted with other woodlands, but I wanted to get his professional opinion upon the subject of the timber and the management in the forest. Accordingly he made a very elaborate report upon that general subject. That report was again, by the direction of the Treasury, referred to Mr. Clutton; Mr. Clutton reported, and he differed essentially and vitally from Mr. Brown upon his views of the whole subject of the growth and management of woods. That report was of such a character that it was quite necessary again to refer that to Mr. Brown for his observations, and he made a second report upon that. Those reports of Mr. Brown's on the New Forest I always considered to be remarkable for their ability and intelligence, considering the short time that he was there, but that if Mr. Brown had in future time ever been sent into the forest again, and spent one-fourth of the time in it that Mr. Clutton has done, he might modify some opinions, although I am not aware that he believes he has expressed incorrect opinions; still he had none of the advantages of deliberation. I consider those reports of his to contain a very great mass of practical good sense, subject, of course, to correction. I do not consider Mr. Brown to be infallible in the least, nor does he think so himself.

968. *Chairman.*] He had never been in the New Forest until you sent him, had he?—No.

969. Nevertheless he says the practice adopted in the south of England is wrong in principle, and can only be supported by arguments based upon prejudice?—Yes.

970. Mr. *E. Denison.*] Will you proceed with your statement?—If it is the pleasure of the Committee to leave these subjects, I would then direct their attention, for a very short time, to what I consider a highly interesting topic in reference to the New Forest, upon which everything else depends; which is, what is to be its ultimate destination, and what are its capabilities. This is an enormous place, and as long as it exists with the common rights uncommuted, or some arrangement made, I hold it to be absolutely impracticable to conduct it in any manner creditable to the management, either public or private. In my 31st Report, I have endeavoured to state some opinions upon this subject, and I certainly have arrived at a very strong opinion that it would not be judicious to treat the New Forest as some of the small forests have been treated. I will take, for instance, Hainault Forest, in Essex: that consisted of about 2,700 acres of land; there were common rights belonging to the persons who lived on the north, and there were common rights belonging to the persons who lived on the south, and under an Act of Parliament there was an ascertainment of the value of those common rights. There was a portion of the common on the south given to one set of men, and a portion of the common on the north given to another, and then the Crown got about 1,900 acres of land in fee simple. If such a system as that were to be pursued in the New Forest, the thing would be cut up into such patches as to be of no real value to any one, and it would cease to be anything like a handsome property in the possession of either the Crown or individuals. I have conceived a very strong notion that the true way to deal with the New Forest, would be to compensate, upon a liberal scale, all parties having, I do not mean to say all the common rights that they claim, because I believe a great many are claimed that have no foundation; but that there are very large substantial rights there can be no question, and therefore my principle would be, that all parties who, under the law now being carried into effect for the ascertainment of the common rights, can make good real rights of that description, should be compensated in a very liberal manner, and that then the New Forest would become a magnificent territory and property of the Crown, for which the Crown would pay a large sum of money, and in my opinion such a sum of money ought to be paid, and that it might be made an extremely advantageous

tageous bargain to persons having common rights on the one hand, and to the interests of the Crown on the other. If that was accomplished, an additional outlay of capital would be required, and it would then have to be decided how much of it you would cultivate in woodland, how much you would cultivate in an agricultural condition, and you might very likely sell for a very considerable sum of money portions of land that would be extremely worthless in an agricultural point of view, but which, situated in a part of the country so beautiful and attractive, would command enormous prices relatively to its agricultural value. But the grand principle, in the first place, would be to get it out of that dreadful and hopeless condition in which it is, wet and stagnant, absolutely creating unhealthiness in the district from excessive wetness; and yet when I proposed to drain some of that land, the people said, "You must not drain that land, because you only make the rights of the commoners more valuable." It does nothing for the Crown to drain it; but still if that great territory were drained effectually, the salubrity of that climate, I am sure, would be very considerably increased.

971. *Chairman.*] If you were to go to the expense of draining that land, you would make it more valuable to those gentlemen, and, in point of fact, it would increase their demands upon the Crown?—Yes, and that prevented that being done; but I must say that the late Board did a very foolish thing about draining. Mr. Parkes's draining came into fashion at that particular time; there was about 6,000 *l.* spent in draining land not worth above 1 *s.* 6 *d.* an acre, at an expense of, I believe, 6 *l.* an acre. It is a very remarkable instance of the highly injudicious management of a most valuable system, to drain land as an open waste under draining with tiles, being of no value whatever.

972. Mr. *E. Denison.*] In what year was that?—In 1848 or 1849, I do not know which.

973. Lord *H. Vane.*] Do you know the reason why it did not answer?—It was extremely poor land, unquestionably.

974. Mr. *Wilson.*] Where was that?—It was chiefly in the neighbourhood of Brockenhurst; it is called the Lawn; there was a beautiful expanse of grass.

975. It was open land?—Entirely open land, and it was a very pretty bit of ground in its way; but then it was so covered with animals, eating off each other's heads; the resort to this place was so excessive, that there never was a morsel to eat for anybody.

976. Was it with the contemplation of inclosing it?—I never heard of it.

977. How many acres was there of it?—I do not know exactly. There was some open ditching; but still what I apply my observations to, is that part of it which was done in what I consider a very injudicious manner.

978. What was in the contemplation of the Board at that time; they did not drain for the advantage of those different persons?—I have no doubt it originated in the best spirit, in a desire to effect an improvement; but I think it was a very ill-judged application.

979. Was not it intended to inclose it?—No, I think not; there was no power. The money which was applied to it was obtained from the railway which passes through the forest. I think there was about 12,000 *l.* obtained as compensation for passing through the forest from the railway company. It was a portion of the money so obtained that was applied. I do not mean to say that it was paid out of the revenues of the Crown, strictly so called; but that money would have been exceedingly well employed if it had been employed in open draining.

980. Mr. *Wilson.*] So far as it went it was really a fund in which the commoners had some interest?—Certainly.

981. And which ought to be applied in common justice to the interests of the country?—Yes; I should have been very happy to have seen the whole 12,000 *l.* laid out in open drains.

982. Mr. *Compton.*] In the open forest?—Yes.

983. How long would it have been before they would have been all trodden in?—I mean great trunk drains to carry off the enormous quantities of water which lodge, and leave the forest in the distressing state in which it is in many places.

984. Mr. *E. Denison.*] In the great fen districts where the cattle are turned out in great numbers, you are aware that the main drains are all open drains of the kind of which you speak?—Certainly.

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985. Mr. *Wilson.*] Such main drains would be of no service unless they were accompanied by smaller drains to conduct the water from the land into them?—Undoubtedly. There is nothing to be done with the New Forest without setting out with a great scheme, the parts of which shall hang together, great drains and little drains; and then you must decide whether you shall plant or cultivate, and you can do nothing of all that as long as the common rights exist.

986. What was the character of that soil upon which the 6,000 *l.* was expended?—It was very various; one part of it was clean nice turf, I suppose sandy and peaty, and then the rest of it was very rough and scrubby, with gorse and all sorts of wild growth upon it.

987. Was it generally marshy?—It had a marshy tendency. Undoubtedly it was very proper land to be drained.

988. Still if the large open drains had been used, you still would have required the kind of drains that are used for the purpose of conducting the water into those drains?—Not tile drains; I should not have said that there ought to be tile drains.

989. Mr. *V. Smith.*] You consider tile drains a waste?—Yes, quite a waste in such circumstances. In future time if any of that land was to be inclosed and treated as a farm, then it would have been more suitable, and accordingly at New Park the land is of a similar description, but that is appropriated to agricultural purposes, and there it is highly proper that it should be so drained. In order to follow out the system of information that the Committee have been pleased to direct me to give, I ought to state that as to the year ending March 1854 I have formed an estimate for the year, and the actual result of it cannot be ascertained for the reason I have stated. The produce was estimated at 30,708 *l.*, the expenditure at 11,000 *l.*, the income at 19,600 *l.*, and I put aside 4,000 *l.* for works which I thought ought to be in the nature of the expenditure of capital which would be wanting if it was planted. Then there was the expenditure at New Park and contemplated buildings, and a variety of other expenditure; the gross income would be 19,600 *l.*, and the approximate net income would be 15,611 *l.* How far it will be realised I cannot yet tell, because it depends very much upon the navy timber, and what the precise result as to that is I am not informed.

990. Mr. *Wilson.*] You stated that the extent of the New Forest was 66,000 acres, did you not?—That is the customary estimation.

991. How much of that is inclosed lands, bearing timber for the Crown, from which the Crown revenues are derived?—I cannot give an accurate answer to that question. I have a general impression that the wood of all kinds, inclosed and uninclosed, old and young, was generally estimated at somewhere about 25,000 acres.

992. Mr. *V. Smith.*] Is there any Return of it before Parliament?—I think in some of the Reports it is stated minutely.

993. Mr. *Wilson.*] I have a Return here, which states accurately, that the inclosed and planted land, out of the 66,000 acres, is 9,300 acres?—That is the modern inclosure; but then there is a large extent of land covered with wood which is the natural wood of the old forest.

994. Nine thousand three hundred acres is the amount of land planted and inclosed, from which the Crown revenues are derived?—I apprehend there is a much larger extent than 9,000 acres bearing trees of various ages from which the Crown revenue is derived indiscriminately with those 9,000 acres.

995. Has there been any new planting within the last few years at all?—There was a commission sat at Lyndhurst for the inclosure of 4,000 acres of land in lieu of the 4,000 acres that were thrown out, and since that certain inclosures were planted in the year 1852. Those plantations, as I am informed, have not been successful; they were not properly planted; the trees were too large, and in point of fact a very great number of them have died, consequently it is an ineffective plantation. Then the circumstances arose to which I have already adverted. In a subsequent year there were plantations in progress on part of the same land authorised to be inclosed; the inclosures were made; the drainage was done, either in whole or in part, but I stopped the planting; therefore there was planting during one year, and there was suspended planting in another year; that I think is the present state of affairs since I was in office.

996. I think you stated that 10,000 acres have been ordered to be inclosed under

under the Deer Removal Act; have any steps been taken with respect to the inclosure, or with a view to the planting of that?—None whatever, because it was considered, naturally I think, that the 4,000 acres authorised under the Commission ought previously to have been disposed of, and then it would have been not very easy to proceed with the 10,000 acres until the deer were removed.

997. Has there been any commission appointed under which the 10,000 acres should be planted?—No, it did not appear appropriate to apply for such a commission until the deer should be removed, and until the planting of the 4,000 acres should be completed, or at least much advanced.

998. The income which has been derived from the forest during the last three years when these large quantities of timber have been cut has not been subject to any deduction in consequence of any corresponding amount of planting?—To the extent of the planting in the first year to which I adverted, it has been subjected to that charge; there was also the reserved fund of 3,250 *l.*, which is at present in the Bank of England to a certain extent; and there is the 4,000 *l.*, also a reserved fund for that purpose. As long as I was in office those monies have been retained, and not paid into the Exchequer upon the principle whether I was right or wrong I do not know; but I had a sort of feeling that as I was exhausting the forest of its funds, if I may so speak, namely, cutting down the timber, it would have been an unfair advantage to take to pay into the Exchequer a very large sum derived from the cutting of the timber, which ought to be a fund for making those plantations; consequently I took it on myself to retain that money in hand, and made the payment into the Exchequer so much less.

999. Is the Committee to understand that the 3,250 *l.*, included in your estimate for 1852-3 for new planting, was set aside to a separate fund in the Bank of England, and left there for that purpose, although not expended?—Part of it was expended in some drainage which was executed.

1000. And 4,000 *l.* for the next year?—Yes.

1001. When you state the income of the forest for 1852-3 at 13,094 *l.*, does that represent the net amount paid into the Exchequer, or is it the gross amount, including the sum set aside for further planting?—I meant it to be the net sum paid into the Exchequer, and that is so, I believe.

1002. You gave the Committee the income for the year, and the expenditure for the year, and you gave the balance of the net income of the property; did the 17,000 *l.* include the 4,000 *l.* set apart in the Bank of England, or was that expended in the forest, and was the 4,000 *l.* deducted from the 13,000 *l.*?—It appears by this table that the net surplus of income is 12,971 *l.*

1003. You stated that it was 13,094 *l.*—That is made out in this way; there is another column which says there is 122 *l.* 15 *s.* 7 *d.*, the increase of value of stock upon land, so that that makes the difference.

1004. The 13,094 *l.* includes the fund you reserved for future planting?—The estimate for the year ending 1853 was this: 28,998 *l.* was the produce; the gross income was 17,928 *l.*, and the reserved fund 3,250 *l.*, leaving an approximate net income of 14,678 *l.* Then the actual income turned out to be 13,094 *l.*, which was less than the estimate, namely, less than the 14,678 *l.*, being in fact 13,094 *l.*, consequently it is 13,094 *l.* over and above the 3,250 *l.*

1005. That is the estimate, but if you will observe, you stated afterwards instead of 28,000 *l.*, which you estimated as the income, you received 30,224 *l.*, and instead of 14,000 *l.* which you estimated as the expenditure, the expenditure was 17,253 *l.*, and the balance was 13,094 *l.*; you state the exact income and the expenditure; the difference, therefore, must include the balance which you paid into the Bank out of that?—The estimate of the expenditure was 17,928 *l.*, and the actual expenditure was 17,253 *l.*

1006. You stated the estimated expenditure to be 10,970 *l.* for the current expenditure, and 3,250 *l.* for replacing capital; that made together 14,220 *l.*, the estimated expenditure; the real expenditure you say was 17,253 *l.*, instead of what you have stated as the estimate, leaving a balance of 13,094 *l.* as the product of the year; was that 13,094 *l.* the available balance paid into the Exchequer, or did it include the 3,250 *l.* put aside in the Bank of England as a reserved fund?—

1007. The Committee understand that the 17,253 *l.* of expenditure did not include that amount, but it was the actual expenditure in the forest for one

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purpose or another?—I cannot assent to or dissent from the proposition till I refer to the accounts.

1008. *Chairman.*] What are the salaries of the deputy surveyors of the different forests; about 100 *l.* a year each, are they not?—I think Mr. Comberbatch has a salary of 350 *l.*; then he has a house, and allowances for cattle and horses, a couple of cows, and two or three horses, and an allowance of fuel wood.

1009. Have you any reason to think that the surveyors themselves have set an example in any forest of trespassing improperly upon the Crown property?—Does the Honourable Chairman mean trespassing in the way of taking undue advantages, or by cattle?

1010. Both. I will read what has been given in evidence: "Had the persons employed in the forests any rights of feeding cattle?—All the labourers in the forest had cattle which they pastured in the forest." This does not apply to the New Forest: "And that was allowed?—It was winked at." "How far did that extend; did they all do it?—They all had two or three cows." "Did that extend as high as the surveyor?—Certainly; it was a permitted perquisite. It always was so." Have you any knowledge of that taking place in the forests generally?—I cannot say that I have. I do not believe it. I might suppose, as a very natural thing, that advantages might be taken; but I am not at all in a condition to make that accusation, either generally or individually.

1011. Mr. *Wilson.*] You stated, did you not, that the surveyors have a right to a certain number of cattle?—That is a very different thing; because Mr. Cumberbatch has a right to keep two cows, and to have fodder for them in the winter. I am by no means insinuating in the remotest degree that he does anything of the sort. On the contrary, I believe he does not. But he might have 20 cattle, and turn them into the forest without my knowing anything of the matter, but I am confident he does nothing of the kind.

1012. Mr. *V. Smith.*] Is the surveyor subject to no inspection that would discover such a transaction as that if he gave way to it?—I am not aware that he is; he is subject to the inspection of the world around him; but it has not been in my power since I was a Commissioner of Woods to go into the forests at all to the extent that I could have wished to do if my business had gone on smoothly and pleasantly, and if I had not been so excessively overworked in my office, that if I was absent from my office for a single day, there was nobody there who understood the subjects. I should have been in the forests very often, and should have been likely to hear of things that were incorrect, if anything of the kind occurred; but it has been utterly impossible for me to fulfil my duty in that respect in the way I could have wished.

1013. Mr. *Wilson.*] No other officer of the forest except the surveyor is entitled to keep cattle, is he?—I rather think so; certainly I apprehend that the assistants, and I think, in Dean Forest, every woodman is allowed grass for a cow.

1014. Mr. *V. Smith.*] The allowance made to a surveyor is the perquisite of keeping two cows?—Certainly; that is a totally different thing.

1015. Mr. *Tollemache.*] You mean that the cow he is allowed to keep pastures upon the land inclosed with his house?—He has a very excellent field into which to put them.

1016. Mr. *Wilson.*] It is not in all cases that they have a field; where they have not, they are not allowed pasturage in some part of the forest?—I am not aware that there is any permission on the part of any officer to turn any cattle into any part of any forest.

1017. *Chairman.* Above all, not into an inclosure?—Certainly.

1018. Mr. *Compton.*] There is at this moment a Bill before The House for defining all the rights, and with the intention of an Inclosure Act?—The last six weeks I know nothing about it; but there was a Bill to facilitate the settlement of claims upon the forest; that is a preliminary to something, I should hope; but the Bill goes no further, as I understand, than merely to facilitate the settlement of the rights of the commoners.

1019. *Chairman.*] Have you anything to say about the construction of the office as affording facilities or impediments to a person in your situation?—I am afraid that upon that subject I should have a great deal to say, because it not only involves the condition of the office, but my relations with the Treasury, and my relations with all those instrumental parties in the country, through whom alone

alone I could by possibility perform my duties; I am quite ready to go into the subject, and to state really the full extent of the difficulties which I have experienced.

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1020. Mr. *V. Smith.*] Confining yourself as much as possible to the general public question, without going into the case of individuals, will you state to the Committee what difficulties you conceive to arise from the peculiar position in which the Commissioner is placed?—The commencement of my difficulties was upon the reconstruction of the office, subsequently to October 1851, when the Board was put an end to, and the Treasury warrants were issued; there arose a very unpleasant discussion about those persons who were to assist me in administering the forests. This book contains a great deal of correspondence.

1021. *Chairman.*] What is the date of it?—It is dated the 25th of June 1852; it was a motion of Lord Duncan's, ordered by the House of Commons to be printed on the 25th of June 1852. Undoubtedly a spirit of discomfort originated at that time between myself and the Treasury, which I am sorry to say has endured more or less ever since. Then it certainly did appear to me that to a man placed in the position of administering those rural affairs, which are of a very difficult and complicated kind, an establishment was necessary; I do not say a great one, but one which should enable him in a satisfactory way to conduct those affairs. I do not wish to make any complaint against those individuals under me, because I think they have done the best that they could, but still it is an awkward position for a man to be placed in, to have no single individual under him who knew at the commencement of things anything at all of the business he had to do, and this strictly as applied to the department of the Forests, because I have a branch of the office applying to Scotland and Ireland of which I say nothing; that has been well managed, and the thing has gone on very well. The establishment before I came there was totally effete and good for nothing with regard to the forests. Then there was a great difficulty about the reconstruction, and there is a gentleman now at the head under me in the forests, Mr. Bedford. I recommended him for employment in that office, because I had had experience of him in Ireland as an excellent man, and a good man of business; but he knew nothing about those affairs, and although he was placed at the head of the office, still I should have wished, and it was absolutely indispensable to have some one who knew something about the forests in addition to him, either above or below or co-ordinate with him; however, that did not take place.

1022. Mr. *V. Smith.*] Was there no particular department of the office relating exclusively to forest affairs?—There was formerly, but at the time of the rearrangement of the office there was great inefficiency in these officers, and some went away. There was an old gentleman who retired, and there were some others located elsewhere. Some went into the Land Revenue Department, and some into the Office of Works; but there were none left for me in whom I could have any comfort, because I certainly wanted to commence a very different system of administration from that which existed.

1023. Were the gentlemen in that department selected in the ordinary way that other clerks were, or were they supposed to have any particular qualification for their office?—A great many clerks were required; then there was a selection made for the Office of Works and the Office of Land Revenue, and then there were one or two remained for me, such as they were; no one of them had ever been in the Forest Department before, and the position in which I was all along was this: there was a gentleman of excellent capacity, who was placed as senior clerk in the Forest Department, Mr. Bedford; then two other gentlemen, junior clerks, not very high in the office, were those that remained for me, and I was obliged to take them such as they were, but they never had anything to do with forests before. Then, with very great difficulty, I got the Treasury to consent to give me an examiner of forest accounts, and a young gentleman was appointed, in whose appointment I was singularly fortunate, because although he knew nothing at all of the matter when he came, he is a person of excellent education and habits, and strict attention to his duties, and has turned out a most valuable servant, and he has taught himself some knowledge of the subject; but at the same time, he never was in a forest in his life; he knew nothing at all of forests, and one of my objects would have been undoubtedly periodically to have sent him into the forests to acquire practical information.

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1024. Mr. *V. Smith.*] When the distribution of the office took place was attention paid to their previous experience and knowledge of rural affairs, or merely to their position from time or experience as clerks in the office?—Certainly in the arrangement in my office there was no attention paid to the previous knowledge of rural affairs, for the only men whom I got were persons who had never been in the Forest department.

1025. *Chairman.*] Was not Mr. Cumming in your office?—Mr. Cumming was, as I understood, a sort of private secretary to the secretary to the Board.

1026. Who was the secretary to the Board?—Mr. Phillips. I am speaking of the old Board. When I came there I was made acquainted with Mr. Cumming, and I found him very useful, and faithful to me in the discharge of his duties, and I employed him; but in that disagreeable controversy to which I alluded, the Treasury decided that Mr. Cumming should be turned out of office altogether, and I considered that Mr. Cumming was used in a very harsh and unjust manner. He was supposed to have behaved ill in some way, from which I totally dissented, because he merely told me that which he was bound to tell upon some circumstances essential for me to know, and I do not think I ever knew a man in the public service treated in a manner that I thought so improper.

1027. Mr. *V. Smith.*] Who made the distribution of those departments; did the Treasury send down an order to you without any report from the Committee?—Preparatory to the 10th of October 1851, I had been staying in Scotland, and during my absence the arrangements were made as regards the Office of Works and the department of the office under the other Commissioner, and then, as these papers show, there were left to me a certain number of clerks.

1028. Who originated the scheme?—It was originated in the office, and sanctioned by the Treasury. A letter came from the Treasury desiring the Board as it existed before the 10th October to submit a scheme.

1029. *Chairman.*] When was Mr. Cumming dismissed?—I suppose in November or December 1851; I came in 1850.

1030. It was about a year afterwards?—Yes.

1031. Did Mr. Cumming have any retiring allowance?—No; Mr. Cumming was turned out of the office, and although he had contributed to the superannuation fund, he was turned out without receiving anything whatever. I believe it was alleged that he had never been on the establishment, and in one sense he had not been on the establishment, but still it was a sort of admission that the man was on the establishment when he had been permitted to pay to the contribution to the superannuation funds.

1032. Did he get back the amount that he had paid to the superannuation allowance?—There was an authority to do so, but he was so indignant at the treatment he received that he would not accept it, and I believe he never did.

1033. Mr. *Wilson.*] I think you stated that Mr. Cumming was the private secretary to Mr. Phillips, the secretary to the Board?—I believe he acted as that; but he was generally in the office, for three or four years employed in any way that was desired; then when I came, I got him and found him a very valuable assistant to me, and I felt it to be a very great injury to me that he was sent away. I wished him to be placed as head clerk in the Woods and Forests branch of my duties, but that was denied me.

1034. Mr. *V. Smith.*] Who dismissed him?—The Treasury.

1035. Mr. *Wilson.*] Was he dismissed, or was it that he was not appointed?—I have no doubt that the term was, not appointed.

1036. Had he ever been a clerk there?—Not perhaps regularly on the establishment, but still they permitted him to pay to the superannuation allowance.

1037. He never was an appointed clerk of the establishment?—There was some document in the nature of appointment on the subject; I will not undertake to say how that was.

1038. Your statement is not now that he was dismissed, but only that he was not appointed when you wished him to be in your office?—There was something of both; he certainly considered himself fairly in the office, and he was put out of it by not being appointed to a position.

1039. There was no dismissal took place?—I should say decidedly that there was.

1040. Mr. *V. Smith.*] Do the Lords of the Treasury appoint and dismiss the clerks to the Woods and Forests?—Previously to the Act resettling the office, the

the whole patronage of the office was in the Commissioners, and the whole power of dismissal; then upon the passing of the Act in 1851 the patronage was withdrawn from the Commissioners and vested in the Treasury, but the power of dismissal continued with the Commissioners.

1041. Did not you state that Mr. Cumming was dismissed by the Treasury?—They had a paramount power of course to settle the new establishment; the Treasury had the power to sanction, and approve, and ratify what was proposed by the Commissioners of Woods.

1042. Did the Commissioners of Woods recommend the retention of Mr. Cumming, and did the Treasury discharge him?—Lord Seymour and Mr. Gore, I think, as far as I recollect, said nothing at all about Mr. Cumming to the Treasury; I applied to the Treasury to have Mr. Cumming's services.

1043. I think you stated that the Woods and Forests sent up a scheme to be approved by the Treasury; in that scheme was Mr. Cumming's name omitted?—Yes.

1044. Omitted by the Commissioners of Woods; not by the Treasury?—Not by me, but by my two colleagues.

1045. Mr. *Wilson.*] Had Mr. Cumming ever been appointed by the Commissioners who had the patronage before?—There was some document; I cannot tell what it was; he was employed, and that document I have seen in Mr. Cumming's possession.

1046. His name never was submitted to the Treasury?—I cannot tell.

1047. Then the Treasury did not dismiss him?—It is difficult to tell.

1048. Mr. *V. Smith.*] As it now stands, could the Treasury dismiss a clerk in the Woods and Forests?—Certainly not.

1049. Mr. *E. Denison.*] How long had this gentleman been in the service of the office?—I think it was some three or four years, but I cannot be positive. I considered the establishment, in the department of Woods, really, from the peculiar character and quality of the men, very inadequate. There were two whom I considered inefficient; the consequence was that I was obliged to do a vast proportion of the important work myself. I was obliged to write every letter involving anything important; I was obliged to resort to the resources of my own intellect and industry to carry on the correspondence with the Treasury and the people in the country, because there was not a single person in the office who was capable of writing a letter on any critical matter in forest affairs. Then if I was ill, there was the same great difficulty. If I permitted the head of the office to go away for a holiday, which was very reasonable, difficulty arose, therefore I considered that establishment not suited to its purpose. I do not want to disparage individuals; some of them were very good in their way, but it was a most unsuitable establishment for the purpose; and yet I was expected to carry on this very responsible duty, which I found to be laborious to a degree that I can scarcely describe, and I may have committed many faults and mistakes. But I can assure the Committee that I have exerted myself in a way that I believe not to be common either with a man at my time of life, or a man in the position that I had hitherto occupied. As to the preparation of my reports to Parliament, the habit of the office before was to make the clerks write separate paragraphs, and tack them together, and make the best of it; there was not a man in the office capable of writing the reports, which I considered proper to be laid before Parliament, so far as regarded the forests.

1050. *Chairman.*] Who told you that this was the habit in which reports were made?—The first year I was in the office, I heard it said, "A paragraph is to be written by such a man, and another by another." I have heard it talked of universally. I do not mean to say that they were not considered, and reconsidered, and altered, but the whole drudgery of it was done by the clerks.

1051. And the clerks in the office who talked about this and told of it, were not likely to be very popular?—I do not think it was considered to be anything improper.

1052. Mr. *Wilson.*] In the office, as it existed, before the business was much more multiplied, the Commissioner's report was both with respect to the land revenue and with respect to the forest management?—The report now is co-extensive with the whole land revenue; but it is divided. The next thing that I will go to, in explanation of my position, is this, that I certainly found after I came into office, and the latter period especially, that there

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was a great want of confidence in me. In the year 1849, Mr. Clutton was employed to make reports upon the various forests, and I think that the key to a great part of the position, and the difficulties in which I have found myself, is to be found in the disposition that existed, that Mr. Clutton, as the adviser of the Treasury and of me, should be in the ascendant; and I think the decided fact was this, that the confidence of the Treasury was in Mr. Clutton, and not in me, and that Mr. Clutton was very well aware of this. Then I think that that principle has been the source of very great embarrassment to me, because the confidence of my superiors was not in me, but in a person whom I was called upon very much to consult; and if I had consented to be guided by the opinions and principles of Mr. Clutton, I should have had very little difficulty in administering the affairs as he recommended, because I think it was the disposition of the Treasury to, as I should say, to *stop short* at his principles of management, which I hold to be very antiquated, and insufficient for the requirements of the present day.

1053. Mr. *E. Denison.*] Mr. Clutton has been for some years advising the affairs of the Woods and Forests in his department; Mr. Clutton has been for some years advising in the management of the New Forest; has his advice ruled in the way in which the forest management has been carried on with regard to planting and so forth?—Perhaps the only answer I can give is this, that Mr. Cumberbatch is a disciple of Mr. Clutton, and, unquestionably, Mr. Cumberbatch and Mr. Clutton are on very intimate terms; and I have no doubt that Mr. Cumberbatch's administration, with respect to planting, was an administration consonant, to a certain degree, with Mr. Clutton's views.

1054. You stated that Mr. Cumberbatch had been there only a short time?—Certainly.

1055. What year did he go in?—I think in 1850.

1056. Speaking of some few years further back, was Mr. Clutton consulted about the forest management?—I apprehend, but I do not know certainly, that the first time that Mr. Clutton was brought into consultation upon these matters was, when he was sent down into the forests in 1849 to make up a defence of the condition and management of the Royal Forests as against the attacks made in Lord Duncan's Committee.

1057. Mr. *Wilson.*] Are you aware that he was ever employed in the New Forest before that time?—I do not know.

1058. You believe that that was the first occasion of his being employed?—That is my impression. I do not think I have been treated fairly by the Treasury in many respects, because I say, for a Commissioner to be held up as a responsible officer, and yet that there should be a sort of influence superior to his own, namely, that of Mr. Clutton, I hold to be a very false position. Then I think there was a disposition in the Treasury not to practice fair play; and I will give the Committee an instance of it. After sending in one of his reports, Mr. Clutton sent in a report, and then 10 days afterwards he sent to me a paper which he called a postscript to his report; that postscript he sent to me, calling it a postscript. I considered it my duty to Mr. Clutton to send that postscript to the Treasury. If I had failed to do so Mr. Clutton might very well have said, "How came you not to make known my postscript as well as my report?" I sent it, but I accompanied that postscript with my opinion on it, which is here. It was a postscript narrating an extremely improper proceeding upon the part of Mr. Clutton. It was to this effect: that he had proceeded to Scotland and gone to Mr. Brown's residence at Arniston, and looked over those woods of a private gentleman under the management of Mr. Brown, without either the permission of the proprietor or letting Mr. Brown know that he was there. In fact it was what Mr. Brown characterised afterwards, in one of his reports, a clandestine visit, which Mr. Brown felt to be a very unhandsome thing. I sent this to the Treasury, and undoubtedly I stated my opinion that it was a highly improper proceeding upon the part of Mr. Clutton, though I did so in mild terms. What I call the undue favour to Mr. Clutton, and unfairness to me, was this, that I received an official letter from the Treasury stating that their Lordships disapproved of the question being complicated by such an occurrence, and they desired this postscript and the correspondence to be suppressed. I thought this not a proper proceeding upon the part of the Treasury, because, as to the thing being complicated by such an occurrence, it did not seem to me that that could be; but it threw a light upon

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Mr. Clutton that he was proceeding in a spirit of unfairness and not a handsome spirit to Mr. Brown, going all the way to Arniston, as if to find out the defects of Mr. Brown's knowledge or the defects of the woods under his management. Accordingly this was ordered to be struck out of the correspondence. Then when the Honourable Member in the chair moved for these returns, I felt, in making out these returns, that although the Treasury might exert a paramount power to say that these should be excluded from the correspondence as between me and them, yet it was beyond the power of the Treasury to say that the several papers of the correspondence which were in existence should be denied to Parliament. Accordingly I put those papers in the return to Parliament; and then when I sent a list of those papers to the Treasury, in order that the list might be completed, but those were struck out, I could infer on no other ground than that it was a thing which held up Mr. Clutton in a point of view not very creditable to him. I certainly thought it an instance of unfair proceeding towards me, and of undue favour towards Mr. Clutton, and showing a disposition to conceal anything that was to a slight degree unfavourable to him. With the permission of the Committee I now put in these papers, because I think they ought not to have been suppressed.

1059. Mr. *V. Smith.*] Have these papers ever appeared before Parliament?—Never.

1060. What do you mean by saying that the Treasury suppressed that correspondence?—There is Mr. Clutton's postscript, there is my report to the Treasury, and there is a letter to Mr. Brown, because I immediately sent to him those papers. Then here is a letter which I received from Mr. Wilson, the secretary to the Treasury: "With reference to your letter of the 11th instant, respecting the postscript to Mr. Clutton's report on Dean Forest, dated 10th instant, adverting to his having visited the plantations at Arniston, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, that as Mr. Clutton's visit to Arniston was undertaken without authority, and as my Lords are anxious that the consideration of the important subject of the management of the Royal forests should not be embarrassed by the introduction of irrelevant discussions, they are pleased to desire that Mr. Clutton's report of the 10th instant be set aside as immaterial to the main question." It might be an act of power to set it aside as between the Treasury and me, but when Parliament called for all the correspondence that had taken place between me and the Treasury, on the subject of the Royal forests, I considered that Parliament had a right to receive all that had taken place without a limitation placed upon it by the Treasury.

1061. Previously to Parliament calling for the correspondence, was the report of Mr. Clutton, without the postscript, submitted to be printed for the public?—The report, without the postscript, was printed in this report, the 31st.

1062. When you submitted that report, which was afterwards printed, did you propose to the Treasury to add the postscript to the report?—No; I sent my report to the Treasury, but I made no observation upon it.

1063. Did you send the postscript with it?—Certainly not; it had been desired to be set aside.

1064. In the report that the Treasury presented to Parliament as your report, the postscript did not appear at all?—No.

1065. Nor any mention of there having been a postscript?—Never.

1066. Mr. *Wilson.*] Will you state to the Committee whether that communication from Mr. Clutton to you came as a postscript, or did it come as a subsequent letter; what is it called?—There is a copy of the document: "Postscript to Report on Dean Forest, 8 Whitehall-place, 11 June 1853."—Signed, "*John Clutton.*"

1067. It is called a postscript?—Yes; there is my letter to Mr. Brown, transmitting a copy to him, and there is a letter from the secretary of the Treasury, desiring it to be set aside.

1068. On the ground that it was irrelevant to the subject?—It had not been undertaken by their authority, but still it had been done, and did not the less indicate the disposition of the writer.

1069. Mr. *V. Smith.*] Did you make any reply to that?—No.

1070. Mr. *Wilson.*] When you proposed to present one of those letters to Parliament, were you not informed that you might present the whole of that

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correspondence, or no part of it?—I proposed to present the whole of it; I never proposed to present one of these letters alone; I never was informed that I might present the whole or none. Every one of these letters was included in the list of papers that I sent to the Treasury.

1071. Mr. *V. Smith.*] Which were not submitted to Parliament by the Treasury?—I was in communication with a gentleman from the Treasury on the subject, who brought me this list with these papers struck out, and I said "I am sorry for it, because I do not think the Treasury are authorised to withhold from Parliament papers which exist, and which were correspondence in the terms mentioned in the Honourable Member's motion."

1072. What were the terms of the motion?—"Return to an Address of the Honourable the House of Commons, dated 13th February 1854, for Copies of all Correspondence not already before The House, between the Commissioner in charge of Her Majesty's Woods and Forests, and the Deputy Surveyors of the Royal Forests, in relation to Mr. Brown's Inspection of and Reports upon the Royal Forests, and Proceedings in connexion therewith; and of any Reports from Mr. Brown in answer to the remarks of the Deputy Surveyors: Of Reports of Mr. John Clutton to the Commissioner in charge of Her Majesty's Woods and Forests, on Mr. James Brown's Reports on the Forests, and of any Reports from Mr. James Brown in answer to Mr. Clutton's observations: And of Correspondence between the Lords Commissioners of Her Majesty's Treasury and the Commissioner in charge of Her Majesty's Woods and Forests, on the subject of the employment of Mr. Brown on an inspection of the Forests; and of a Treasury Minute, and subsequent Correspondence relating to the Commissioner's second Annual Report to Parliament." What I considered was this, that although the Treasury had been pleased to desire that those papers should be withdrawn from the correspondence as between me and them, the Treasury had no power to say that a correspondence which had *existed*, namely, this, should be withheld from Parliament.

1073. Mr. *Wilson.*] The report to which that postscript was subsequently added, of Mr. Clutton's, was a report upon the report referred to him by you, at the request of the Treasury, of Mr. Brown's report upon the forest; that was so, was not it?—It was a postscript to Mr. Clutton's first report, in reply to Mr. Brown, and Mr. Clutton evidently considered it to be a matter of importance, otherwise he could not have gone to Arniston in such haste and sent his "Postscript."

1074. That communication from Mr. Clutton had no reference to Mr. Brown's report, which had been referred to him, and upon which he had reported, but simply a voluntary act of his own, going to Arniston, for the purpose of inspecting and criticising Mr. Brown's own woods in Scotland?—I consider it to have the most important reference possible to Mr. Clutton's report upon Dean Forest, because it was a report detailing the proceeding taken by Mr. Clutton, and reported for the express purpose of disparaging Mr. Brown's qualifications.

1075. Mr. *V. Smith.*] You say it was Mr. Clutton's voluntary act; are you sure that it was his voluntary act, going down there?—I know nothing about that, but what the Treasury tell me.

1076. Mr. *Wilson.*] Have you any reason for believing that the Treasury knew nothing at all about it till they had it from you?—I have not.

1077. Mr. *V. Smith.*] You do not happen to know whether he went at the public expense or his own?—I take for granted that Mr. Clutton went at his own private expense, after the intimation that the Treasury expressed disapprobation.

1078. *Chairman.*] Did not he go there on his way to somewhere else?—I do not know. I will read Mr. Clutton's report to me and to the Treasury: "Postscript to Report on Dean Forest, 8, Whitehall-place, 10 June 1853. Sir,—Since the date of my report upon Mr. Brown's reports upon Dean Forest I have taken an opportunity of viewing the plantations at Arniston, to which Mr. Brown, in those reports, specially refers. The Arniston plantations consist, for the most part, of Scotch and spruce firs, with a few larch, and some wych elm, ash and beech. The hard woods are a good deal drawn up, from overcrowding, and in the whole of these extensive plantations I do not think that, except in plantations made within the last 10 years, 10 acres of oak can be found; in fact there are scarcely any good young oak trees at all; the few that

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that are scattered in the plantations are drawn up, and can never make good timber. The plantations at Arniston, as a whole, are of an inferior character, and will bear no comparison with those in Dean Forest; they are entirely dissimilar; the former are quite valueless as nurseries for navy timber, the latter, on the contrary, are as good as possible. If any doubt should exist as to my views on Mr. Brown's reports, I would venture to suggest that some gentleman, having a knowledge of oak timber, in whom the Government can place reliance, should view the plantations, both at Dean Forest and at Arniston." I sent that to the Treasury, with this letter: "Office of Woods, &c., 11 June 1853. My Lords,—I beg leave to acquaint your Lordships that a postscript to Mr. Clutton's report on Dean Forest has been addressed by him to me, dated the 10th of June, acquainting me that since the date of his report he has taken an opportunity of viewing the plantations at Arniston, to which Mr. Brown refers in his reports, and I annex a copy for your Lordships' information, as this postscript forms a part of his report. Mr. Clutton does not inform me whether he apprised Mr. Brown of his intended visit to Arniston, so that Mr. Brown might be present to show him the woods, and to give him more correct information as to the age of the trees, &c., than he alleges Mr. Brown received in Dean Forest respecting the ages of the trees there. If he did not give such notice I will forbear from making any observation on the omission so to do, and on Mr. Clutton going to examine and to report publicly upon the woods of a private gentleman without his knowledge or permission. It did not require a report from Mr. Clutton to apprise me of the position and circumstances of the woods at Arniston. It is futile to make any comparison between the woods and plantations there with the Forest of Dean; and no one, so far as I am aware, ever thought of doing so except Mr. Clutton, in the sense in which he now attempts to make such a comparison; but it would not injure the reputation of an agriculturist in Scotland if a grass-field in his occupation, or a piece of tillage-land of inferior quality, could bear no comparison with the richest meadows in Gloucestershire, or the magnificent soil of the county of Hereford. The growth of navy timber at Arniston could not be contemplated by any one (and Mr. Brown recommended that it should not be attempted even at Chopwell Woods, where the climate is superior to Arniston), but if an oak tree grows at Arniston to a certain size at a given age, it ought to grow to a much greater size in Dean Forest at the same age. The more unfavourable the circumstances, the more depends on good management, and I apprehend that this is the only important point of comparison made by Mr. Brown. Mr. Brown resides at Arniston, but the woods at that place form a very small part of the sphere of his employment and experience. Mr. Clutton has probably not made himself master of the income derived from the woods at Arniston, of which he entertains so low an opinion; but I have no doubt that Mr. Brown will be happy to supply this want, and to make known the gross and net income of these woods, an accurate knowledge of which may be useful as a comparison with the gross and net income of woodlands in more favoured spots in respect of soil and climate; and I will at once transmit this postscript to Mr. Clutton's report to Mr. Brown, in order that he may be able to report accordingly, provided his employer, Mr. Dundas, shall have no objection. I would venture to suggest to your Lordships, that I should apply to Mr. Dundas, a gentleman of large estate (managed by Mr. Brown), and of the highest character, for his opinion of Mr. Brown, as Mr. Clutton, in his report, has been at so much pains to disparage his skill and qualifications, and to imply that he is wanting in education, an opinion which Mr. Brown's reports, and his book on the subject of Woods, does not seem to justify. He is indeed an humble and a modest man, but not, on that account, less valuable or less capable of rendering good service to those who may employ him. Sir Joseph Paxton was a still more humble individual when the Duke of Devonshire showed his own perception of character, and his own true nobility, by selecting him for the successful management of his vast concerns, including a great extent of woodland, and every one knows the social position which Sir Joseph Paxton has for many years held, a point as applicable to Dean Forest, on which Mr. Clutton volunteers his opinion." Why I objected to the paper being omitted was, that it was a paper *intended* to disparage Mr. Brown, and that therefore to withhold it, in order to screen Mr. Clutton, I thought an improper proceeding. If I am to proceed on this subject,

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I should state that I certainly felt very much in the performance of my duties, that I never had the slightest wish to shrink from the entire control of the Treasury in those matters in which I thought they were fitted to control me; but I thought that, with respect to the detailed management of rural affairs, it was impossible they could either have the knowledge or the time to do so effectually, and if I was fit to be a Commissioner of Woods at all, I was fit to be confided in in the practical management of affairs; and I must say, I think it is perfectly clear that the greatest ignorance must prevail at the Treasury on all such subjects; that they are utterly unfit to manage the details of rural affairs, and to interfere with a Commissioner who is fit to be a Commissioner. If he is not fit to be a Commissioner, he should be dismissed, and should never be there. Then the delays that took place at the Treasury were, I confess, very harassing to me, and I will give the Committee an instance of them. In the course of the year 1853 I was desirous of getting rid, by superannuation, of some old decayed woodmen in the New Forest, and I recommended that three, or four, or five should be allowed to retire, and receive some small allowance; and the allowance I recommended was 1*s.* a day, and 1*s.* a week in lieu of their house. I thought for a poor man, who had spent his life in the public service, that was as little as could be given; it had been done in Dean Forest upon my recommendation, and I took the exact precedent of Dean Forest. In February or March 1853 I recommended this. I received no answer to this letter till, when I was in Scotland last autumn, I saw a statement of a Member of Parliament asking a question about these men, and what was to be done for them, and he did not get any answer that satisfied him much, but the Session came to an end, and there was an end of that subject. But in the course of this year, a letter came from the Treasury to me, referring to me a memorial from *these very same men*, and rather in the tone of reproof, as if I had neglected them, and suggesting to me the very precedent of Dean Forest as well worthy of my consideration. By this time my authority had been so entirely undermined in the administration of the forests, that these poor woodmen, instead of coming to their proper authority, that is, to me, thought they had a better chance by sending a memorial directly to the Treasury, and undoubtedly they thought that I was a hard-hearted Commissioner, who had totally forgotten them, and therefore they went to the Treasury to get a redress against my cruelty, and this was referred to me, and I was obliged to refer their Lordships to my letter *above a year old*, in which I had recommended the very thing to be done which they wanted. In the meantime the poor people had been nearly starving. I mention this as a proof of the vexatious delays that took place, and to show that by this time a feeling had arisen in the forests that I was without power or influence, and that therefore they must go elsewhere if they wanted redress for their grievances; all confidence in me was gone; this was perfectly well known in the country, and it resulted in want of confidence in me, in insubordination and incivility on the part of the officers under me, and in one case distinct disobedience of orders, refusal to give me the information which I required.

1079. What case was that?—That was the case of Mr. Comberbatch in the New Forest; he positively refused to give me information upon a certain point; I suspended him from his office for six days, and I intimated to him in my last letter that if I did not receive an answer from him by the next post, I should dismiss him.

1080. Mr. *Wilson.*] Did you make that communication to the Treasury?—Undoubtedly.

1081. Did you receive a full approval of the course you had pursued?—I received an approval, but not a very gracious one; it was stated that they saw no reason to *disapprove* of what I had done.

1082. Were not the terms full concurrence with what you had done?—Yes, concurrence, but I think ungracious, which was the tone of many letters from the Treasury.

1083. Can you state any one instance where the authority or opinion of Mr. Clutton has been adopted in contradiction to your own; where any act has been performed by the Treasury at the suggestion of Mr. Clutton, and in contradiction to your own?—I imagine there are a good many; but as to calling up those things on the instant, it is not easy to do so. There is one which is very

very recent, about felling timber in the New Forest; that felling has been restrained very much, because Mr. Clutton very much disapproved of it, and I thought it ought to be proceeded with.

1084. Because Mr. Clutton disapproved of it?—Mr. Clutton's report certainly disapproved of it very much.

1085. Do you mean the Committee to infer that upon that question of felling timber this last year Mr. Clutton was consulted by the Treasury?—His reports contained opinions.

1086. The general reports upon the forest contained general opinions?—Particular opinions.

1087. Any particular reference to the felling of timber?—To the principles of felling timber; and that I had gone against his recommendations, and the Treasury called on me to abandon the system of felling that I had adopted.

1088. Can you call to your recollection any single instance where a suggestion of Mr. Clutton's was followed in preference to your own?—It is impossible for me, on the instant, out of the immense mass. I regret that, instead of giving a direct answer, I should give a general answer, which is to this extent: that I have felt the general ascendancy of Mr. Clutton's opinions against my own, in proof of which I may state I was constantly desired to refer everything to Mr. Clutton; neither I nor the Treasury could decide anything without his assistance.

1089. Can you recollect within a short period an instance in which your own opinion was followed by the Treasury, in opposition to Mr. Clutton's?—Yes, certainly; the introduction of a sawmill into Dean Forest.

1090. That is one; can you remember any other; was not your opinion with regard to Chopwell Woods taken, in diametrical opposition, not only to Mr. Clutton's distinct opinion and recommendation, but almost in contradistinction to a previous concession of the Treasury?—Most unquestionably the decision in that case of the late Secretary of the Treasury was reversed by the present Secretary of the Treasury, very much to my satisfaction; and undoubtedly at the time that that was done I did live in the hope and expectation that a new era was about to commence in the administration of forest affairs; because, upon the accession of the present Administration, certainly that was to me a signal instance of satisfaction; but, unhappily, some months afterwards there was an entire change of principles as applied to myself by Mr. Wilson.

1091. You have mentioned two important cases in which your voice and opinions were supported entirely by the Treasury, in direct opposition to Mr. Clutton's; and you cannot recollect any one instance in which Mr. Clutton's opinion was followed in preference to your own; you have referred now to a suspension, or apparent change of system, at some months subsequent to the time to which you advert: had not all those disputes arisen and were pending, which have really to this day never been entirely settled, as between Mr. Brown and the deputy surveyors of the forests?—I now remember what I consider a very signal instance in which Mr. Clutton's opinions were preferred to mine, and that upon a very large question, and which produced a very disagreeable paper, in reference to Hainault Forest. Mr. Clutton made recommendations, in answer to an application from me upon the subject of the expenditure of money in Hainault Forest, and I ventured to request that the Treasury would permit me to receive some further information, either to alter my opinion, to reconcile it with Mr. Clutton's, or show that I was correct. That undoubtedly was met in a different way, because just at the moment that I was in hopes I might have been permitted to carry out some views I entertained, satisfactorily to myself, for the administration of the Crown allotment of Hainault Forest, the management of it was transferred to Mr. Clutton, and taken out of my hands; therefore, that I consider to be a most comprehensive instance in which the ascendancy of Mr. Clutton, and the want of confidence in me was manifested, because it was quite clear that I would not consent to carry on the administration of Hainault allotment according to Mr. Clutton's views, and I was not to be permitted to do it according to any other.

1092. When did that take place?—In the summer of 1853.

1093. Was not it in the autumn and winter of 1852 that that correspondence chiefly commenced?—I think not; at least it did not terminate until May 1853.

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1094. Was not it removed from your office because it was discovered, by the Act of Parliament, that it belonged to the Land Revenue, and not to the Woods and Forests, and therefore it belonged to Mr. Gore's department and not to your department?—I think it was a very great stretch of the law.

1095. Was not that assigned as the reason?—It was; but I thought it a very bad reason.

1096. Was there any legal opinion taken upon the subject?—I do not know.

1097. *Chairman.*] Did you wish Mr. Clutton's opinion to go for nothing with the Treasury, and that Mr. Brown's opinions, of whom the Treasury knew nothing, should be adopted exclusively?—Very far from that. I wished not to be governed by any surveyors whatever; but I wished to have the good-humoured advice of such persons as were competent to give it; nothing could be more agreeable to me; and for some time I went on extremely well with Mr. Clutton; but the first occasion on which anything occurred different was this, that the tone of Mr. Clutton's reports upon the subject of Chopwell Woods was, I thought, very objectionable, because it was sneering both at me and Mr. Brown. He had heard of my views, through Mr. Brown, because I had myself suggested the mode of management of Chopwell Woods that has since been adopted; Mr. Brown concurred in it; Mr. Clutton's report will show that he highly disapproved of Mr. Brown's views, and those happened to be my views; but in disapproving of Mr. Brown's views they were the very views that I entertained. Then there began a sort of bad humour upon the subject, from less to more: all Mr. Brown's reports were disparaged as much as possible by Mr. Clutton; and the consequence was that there arose a bad and most unfortunate humour upon the whole subject, so that it was quite impossible that there should be any chance of the sort of agreeable communion, and intercourse, and discussion, which I should have been most happy to have preserved.

1098. Is the first of Mr. Brown's reports given in that report of 1853?—Chopwell Woods and Delamere are in the 30th report, and then come the subsequent reports in the 31st report. I should wish to mention the very peculiar position in which I am at present placed, because perhaps the Committee will be surprised to learn, that I apprehend I am at present a Commissioner of Woods, and I think it is a very awkward state of affairs, because the Act of Parliament regulating the office authorises the Treasury to divide the duties between two Commissioners, and they were so divided; they had no power to give the whole duties to one gentleman. When I was removed from my office, I may say on the 1st of May, I went to my office occasionally for a few days, in order that the public should receive no inconvenience, to dispatch routine affairs, but I generally did not choose to enter upon matters which involved new responsibilities. The Treasury have subsequently, as I understand, made an arrangement, by which all the duties that I performed formerly are performed by the other Commissioner, excepting those relating to the manor of Lyndhurst; so that at this moment I am invested with the transaction of the affairs of the manor of Lyndhurst, worth about 4 *l.* a year. I am at present a Commissioner of Woods; I should be entitled to walk into the office, and say "I desire to transact the onerous affairs of the manor of Lyndhurst." My patent is still in existence, and I apprehend cannot be cancelled but by the issue of a fresh commission. The Treasury had no power to assign the whole of my duties, and therefore they assigned everything but the manor of Lyndhurst, and that is still vested in me. My feeling is, that I think I really ought to be divested of that onerous charge.

Veneris, 30° die Junii, 1854.

MEMBERS PRESENT.

Mr. Drummond.	Mr. Tollemache.
Mr. Brand.	Mr. Wilson.
Mr. Compton.	Mr. Chichester Fortescue.
Mr. Vernon Smith.	Earl of Shelburne.
Lord Edward Howard.	Mr. Evelyn Denison.

HENRY DRUMMOND, Esq., IN THE CHAIR.

Mr. *John Manwaring Paine*, called in; and Examined.

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1099. *Chairman.*] YOU live at Farnham?—I live at Farnham.

1100. You are a very large grower of hops, I believe?—Yes, and a general agriculturist.

1101. Will you be so good as to state to the Committee what you consider the best wood for hop-poles?—The two best sorts of wood are larch and ash; they are about of equal value.

1102. Larch of what size at the butt?—It all depends upon the sort of hops and the quality of the land they are required for; they are used from 10 to 20 feet long, and of course the longer the pole the larger the substance must be.

1103. You generally put three poles, do not you?—Sometimes two, and sometimes three; that also depends upon the distance at which the hop-hills are planted from each other.

1104. They are all planted with three plants, are not they?—No; a single plant; but several binds shoot out from that plant. A certain number of the binds are tied to the poles, and the superfluous ones are cut away.

1105. How long will the poles last?—It depends very much upon the age of the pole. If the wood has been a long time growing, it will last much longer than where the wood has been of quicker growth; a 20-feet larch pole, from 12 to 15 years old, will last 10 years, upon the average, before it is worn out, and some will last longer.

1106. Has not there been a great speculation in your neighbourhood for the purpose of planting larch for hop-poles?—A very great quantity of land is planted for the express purpose of growing hop-poles, not only for our immediate district, containing 3,000 acres of hops, but also many parts of Kent.

1107. And that, of course, has decreased the price of hop-poles very much?—No; hop-poles are worth now as much as they were 20 years ago; I think rather more. The facility of railway carriage has enhanced the price in our neighbourhood; before there were railways, there was no demand except for the growers in the immediate neighbourhood. Now the Kent and Sussex people buy a great many hop-poles from our neighbourhood.

1108. Which side is your neighbourhood?—The neighbourhood of Farnham in Surrey.

1109. On the sandy parts?—No, at the base of the chalk hills, just through the stratum of the chalk. The hop-poles are grown all around the neighbourhood, but chiefly on the sandy ground on the south side; the ash grows chiefly upon the stiff clay soils on the northern side.

1110. Do you ever use split oak, or young oak saplings?—Barked oak occasionally. I have formerly bought a great many from the Holt Forest, but they are become too large for that purpose now. I have bought as many as 50,000 and 60,000 in a year.

1111. What is the price now of larch poles?—If they are 18 feet long, they are

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are worth from 23 *s.* to 25 *s.* a hundred; but in Kent they are worth double that money.

1112. Do you grow in Kent as well?—No.

1113. Are you aware that they use Spanish chestnut very much in Kent?—Yes, I use a great deal myself; but I consider it very inferior to larch and ash. Excepting for the largest description of poles, they are not suitable, because there is a want of heart, and the sap of the chestnut is not at all durable.

1114. How long will hop-poles last?—Twenty-feet larch poles will last from 10 to 15 years.

1115. You shorten them every year?—Not every year. If it is an old grown pole, it will last four or five years before the point comes off, and then we remove the poles from one ground to another, because our hop grounds require different-sized poles, and when they are unfit for one, we shift them on to another, and so we wear them down from 20 feet to 10 feet.

1116. The best lands take the longest poles?—Yes.

1117. Have you ever tried acacia?—Yes, to a small extent; I do not like them. They are durable at the bottom, but the upper part easily breaks. I have the same complaint against them as against the Spanish chestnut; the tops break off where there is no heart; the lower part is very durable.

1118. Do you ever use Scotch fir?—Yes, occasionally; they are not so durable as the ash and the larch; but they possess many advantages; they stand very stiff; the wind has very little power over them; and although not so durable, they make very good hop-poles if they are not too large at the butts. They ought to be planted rather thicker than larch.

1119. Have not some parts of the forest of Holt been planted expressly for hop-poles?—No, but Woolmer Forest has; a good many Scotch have been planted there, and a few larch occasionally, when the oak was first planted, as nurses to the oak: they are nearly all gone now.

1120. They were not sown thick enough for hop-poles?—They were planted rather as nurses to the oaks, and, of course, the oaks growing up with them, prevented their growing up too large.

1121. Has any part of the forest of Holt been devoted exclusively to the growing of hop-poles?—I think not; a few acres were planted two years ago, when the enclosure of Binsted took place, upon some of the land bought by the Government, but it was to a very small extent before. The Holt Forest is in the parish of Binsted.

1122. What is the soil of Holt Forest generally?—I think the whole of Holt Forest lies upon the galt formation, stiff blue clay, but it is overlaid in many parts with a tertiary drift gravel; wherever the galt clay or a stiff loam upon it comes, the oak grows well; but, in many parts, the tertiary stratum I speak of ranges from three to 20 feet in thickness, a coarse, hard gravel, much of which has some iron in it, and is conglomerated together; larch grow well; oaks do not grow well there.

1123. Do not they grow well when they get down through into the galt?—Yes; but I do not think they have got through it yet in many places.

1124. Did you ever see an oak tree of very first-rate size in Holt Forest?—Yes, a great many when I was a little boy, before the old forest was destroyed.

1125. There are none now, are there?—No; all the large trees were cut down when the forest was re-planted; I am not aware of any very large trees standing, excepting the remains of two very ancient trees, which are kept as relics of the old forest.

1126. Near Lord Stawell's?—Yes.

1127. What is the size of those trees; how many loads of timber are there in them?—I should think when they were in perfection they must have had from 15 to 20 loads of timber in them.

1128. Including lop and all?—Yes; I never recollect them with much lop on; I can well recollect them when the circumference of the stem remained.

1129. What was that?—I think it was 13 feet diameter.

1130. To what height did it grow before you came to the branches?—They were too much decayed to tell that; they have been decaying for the last 200 years; when I recollect them, not many of the lower branches remained.

1131. Was it a short-butted tree by nature?—One was a very tall one; the other was a short-butted tree. I recollect very well there were some boughs projecting

projecting about 15 feet from the ground, one large bough particularly; but in the case of the taller of the trees, I should think the butt must have been 25 to 30 feet before the branches came out of it.

1132. There are no trees in the forest now fit for ship-building purposes?—Very few; only here and there, one occasionally.

1133. Nor will there be for the next 100 years?—Excepting what is called the Straights Enclosure; there were more trees left there than in any other part of the forest when it was re-planted, and there is a good fair sprinkling of trees about 100 years old. I should say that there are very few in comparison with the whole breadth of the forest.

1134. The majority of the trees in the forest are about 40 years old, are they not?—From 30 to 40, I believe.

1135. Do you consider the forest well managed now?—I do, upon the whole. I think there was a good deal of bad management originally. I think the indiscriminate cutting of the old timber was wrong, and I think the planting of the whole forest with oak trees, irrespective of the soil, was wrong; and that has been proved by actual experience, inasmuch as on the gravelly spots the oak does not grow well, but upon the clay spots overlaid with alluvial loam they grow very well.

1136. Were any allowed to come up by seed?—None at all; the whole were planted.

1137. Mr. *Wilson.*] You say you think the management of the forest now is, upon the whole, satisfactory?—I should consider so from what I have seen from time to time. I think the most is made of everything.

1138. Do you know the deputy surveyor?—Yes, I know him.

1139. A witness stated before this Committee, in reference to Mr. Higinbothom, "I certainly have felt generally that his management was not satisfactory, because I did not think that it was founded upon his understanding his business. I do not think that he knew very much about it. He was placed there, having belonged to a totally different profession; in fact, I was informed by another of the deputy surveyors, that he rested entirely upon his foreman; and certainly that was indicated to me in the correspondence with him in the office, because his returns were highly unintelligent; I mean the ordinary letters of the office; and it was excessively difficult to transact business with him. He was, it appeared to me, very incompetent to the duties that he had to perform, and consequently all the dealings with him in the management of the forests were unsatisfactory." You knowing Mr. Higinbothom, and having an opportunity of seeing his general management of that forest, does your experience coincide with that?—No; however correct it might have been, when Mr. Higinbothom first came there, I am quite sure it does not apply to any time within these last 10 years. I have bought a good many things from the forest through my agents, and I am quite satisfied that the most is made of everything; that is, he drives very hard bargains.

1140. Your experience of Mr. Higinbothom is, that he is a vigilant deputy surveyor, attentive to the interests of the Crown, and you say that his attention to the state of the forest and the general management of it is very satisfactory?—Unquestionably so. I think he transacts his business very faithfully, and I believe he thoroughly understands his business now.

1141. You say during the last 10 years?—During the last 10 years I am thoroughly satisfied if it was his own he could not have managed it better.

1142. What is your opinion of the general state of the forest as compared with other forests that you have seen?—I have seen a good many well-managed plantations, and I think that where the land was suitable for the growth of oak timber it is in a very thriving state indeed.

1143. You speak of Alice Holt?—Yes. In those gravelly parts, especially where this conglomerated gravel lies near the surface, the oaks are of a very scrubby description. They ought not to have been planted originally, but being planted, there is no remedy but to grub them up. I have land of the same description. I broke through that stratum, and then they grew very well.

1144. Taking the present age of the trees in the forest generally, do you think the dimensions are satisfactory proof of their management?—Certainly; where the land is good the trees are in a very thriving condition.

1145. Do you think there has been any neglect of a regular periodical

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system of thinning?—No. I have heard that Mr. Higinbothom has been considered to thin it too much. In my opinion it is not enough.

1146. You have heard him blamed for thinning too much?—Yes.

1147. It is a matter upon which there may be considerable difference of opinion?—Yes.

1148. In your opinion it would have been better if he had thinned rather more?—Yes; it was by a Commissioner, during this inquiry that has been made, that I heard him blamed.

1149. With regard to drainage, do you consider that the forest is sufficiently drained or not?—I think it is quite sufficiently drained for the growth of oak timber; the drains ought not to be so thick for oak as you would have drains in arable land.

1150. Taking the general appearance of Alice Holt Forest, have you ever seen more thriving plantations, of their age?—Yes, I have, because, as I stated just now, some parts of it are gravelly soil, occupying about 200 acres; but exclusive of those portions, I consider it to be in a very flourishing condition.

1151. Some observations have been made about some parts having been thinned out, and created open spaces, which have defaced the forest a good deal?—The only place where I noticed a thing of that kind was in a plantation near the great lodge; as soon as I came into that plantation it attracted my notice; I said, "Here are certain gaps which ought not to be." When I came to examine into it, I found it was where some large chestnut trees had been cut down; they had been cut down by the express order of some former Commissioners; and when I examined the spots I found that there was the stool of the chestnut trees.

1152. Were not they Turkey oak?—A few, but the chief part chestnuts.

1153. Those gaps were made in consequence of a distinct recommendation of Mr. Clutton to a Committee of the House of Commons in 1848 or 1849; they were caused by the removal of certain Turkey oaks which disfigured the ground, and those oaks were removed by the express order of the deputy surveyor?—I do not know by whom the order was given; Mr. Higinbothom informed me it was done by an express order that he received, but he did not say from whom. That was the only place where I considered there was too great thinning; that applied to 40 acres perhaps.

1154. The chief or the only fault which you saw in the appearance of the forest, apart from the question of the soil, was the vacancies created by cutting down those chestnut trees and Turkey oaks, which Mr. Higinbothom had done by the express order of the Commissioners?—Yes; that is the only place where I noticed any over-thinning.

1155. With that explanation, so far as Mr. Higinbothom is concerned, would you say that the general appearance of the forest manifested almost perfect management, so far as he was concerned?—I should be very well satisfied with it, were he managing for me.

1156. Have you heard anything about a recommendation made to clear away 260 acres of the young plantations altogether?—Yes, I have; with some part of that recommendation I would agree; but with respect to the other, I think that the stratum of gravel which obstructs the growth, is so thin that the oak has now penetrated it, and is beginning to grow. I think it would be unwise to destroy it to anything like that extent.

1157. Not a fourth or a fifth?—Perhaps 40 or 50 acres would be as much as should be destroyed.

1158. Do you think any practical man who understood the management of plantations, after having carefully inspected them in a way which would entitle him to express an opinion with regard to a public officer who is charged with the duty, would say that the appearance of the forests indicated that the person who had the management of them was most incompetent for the performance of his duties?—Certainly not.

1159. It has been stated, that the income of the forest has yielded about 13 *s.* per acre in its present state; do you think the same land would have yielded more in any other occupation, if farm buildings had been erected upon it?—Not without an expenditure of from 12 *l.* to 15 *l.* an acre previously in deep and thick draining, for that land requires very deep and thick draining as well; it cost me from 10 *l.* to 15 *l.* an acre to reclaim such land.

1160. Considering that it is a mere intermediate period for the ultimate great object

object of obtaining navy timber, an income of 13 *s.* an acre merely for the thinnings and the bark you would consider a satisfactory result?—Yes.

1161. *Chairman.*] That is to say, provided for the future the forest is managed in such a way as it has never been managed yet, and as you would manage it if it were your own property?—Yes; it must be watched over carefully, of course.

1162. You stated that you had known Mr. Higinbothom within two years from his first coming there, and he has been there 17 years?—Yes, I should judge so.

1163. You know his moral character?—Yes.

1164. Do you think it deserves to be said of him that he is a man capable of making gross misstatements; that he makes assertions as regards facts which cannot be assigned to mere error of calculation; that his statements have either been made perfectly at random, and with the special purpose of misleading with regard to the state of the crop under his charge, or, with the same object in view, he has wilfully concealed and perverted the truth; that he makes reckless misstatements; that his statements are equally false and erroneous, and only give an assurance of his insincerity, and show that no dependance can be placed on any statement he may please to advance?—I should think whoever said that would be glad to retract it; from what I know of him, he does not deserve any portion of it.

1165. Mr. *Wilson.*] You were asked if your opinion of the future value of the forest depended upon the circumstance that it should be managed as you would manage it yourself, and not as it ever had been managed. I understand you to have said already that if it were your property you would be perfectly satisfied with the management of Mr. Higinbothom?—Yes; I should be perfectly satisfied to let him manage it for me, provided he managed it on the same plan.

1166. Your estimate of the future high value of those woods would be founded upon the supposition that Mr. Higinbothom should continue to manage the woods as he has done of latter years?—Yes, exactly; or by somebody else in the same manner.

1667. It would have appeared from your former answer, that it would only be by a change of management that you would be satisfied?—I did not mean that.

1168. *Chairman.*] Provided Mr. Higinbothom was not overruled by somebody else who ordered him to manage it in a different way?—Exactly so.

1169. Mr. *Compton.*] You stated that the forest was partly blue clay, and partly blue clay covered with a stratum of gravel; which predominates?—The blue clay predominates in some parts of the vallies, with a superstratum of a yellowish hue.

1170. The part which is covered with gravel does not predominate?—No; about one-fourth or less is covered with gravel. I said that 60 acres ought to be obliterated; I should give the other a chance for a few years longer; I think that many of the trees have penetrated through the gravel, and got into the galt clay, and they are beginning to grow better now.

1171. Mr. *Tollemache.*] The number of acres in Alice Holt is about 2,000, is it not?—Yes.

1172. And about 1,896 acres are planted?—It is nearly all planted except the roads.

1173. Supposing there to be about 1,900 acres planted, how much of that would grow timber fit for the dockyards?—I think about 1,200 acres; and some would be in an intermediate state; it is doubtful whether that would grow timber fit for the dockyards or not.

1174. Do you live in the immediate neighbourhood of the forest?—Yes; some of my land adjoins it.

1175. Have you often passed through the forest?—Yes; a part of the forest belongs to me; it was allotted to me when the Binsted enclosure took place.

1176. Do you know what is the rate of wages paid to the labourers in the forest by Mr. Higinbothom?—The greater part of their work is taskwork; in the felling of the trees they are paid so much per cord, and so much per ton for taking off the bark.

1177. They are not paid by the week?—No; there are very few day labourers; not more than five or six; the ditching is done at so much per rod, and the felling of the timber at so much per cord of wood, and per ton of bark.

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1178. If only 1,200 acres of the 1,900 now planted will grow dockyard timber, do you think the remaining 700 acres can grow timber at a profit?—I said that I considered 1,200 acres at least would grow timber well, and then there is a portion of the other which is very doubtful; if it is not fit for dockyard purposes now, it would ultimately produce a fair profit for common building purposes.

1179. Do you know Woolmer Forest?—Pretty fairly, but not so well as Alice Holt. I have bought a good many hop-poles from there at different times.

1180. Do you think Woolmer Forest might be turned to greater profit than it is at present?—It is very poor soil; I should be very sorry to attempt to reclaim it myself, or to plant it with Scotch fir even; there would be great danger of their all dying.

1181. Do you think that if it were put up to auction it would be sold?—There is a great mania in our part for buying poor land.

1182. Do you think it might be sold?—Yes; at 5 *l.* or 6 *l.* per acre for the common part.

1183. *Chairman.*] It is white sand, is not it?—Whitish sand, and with a concretion of iron, which makes an iron pan to it.

1184. It is like Blackheath, is not it?—Yes.

1185. Mr. *Tollemache.*] Has any land of that description been sold?—Yes, in a parish not far from it, in the same neighbourhood; some of it was sold to pay the expenses of the inclosure; it fetched 3 *l.*, 4 *l.*, 5 *l.*, and 6 *l.* per acre.; at Aldershot the price given was 12 *l.* an acre.

1186. But land of the same description has been sold in the neighbourhood at 6 *l.* per acre?—Yes, 5 *l.* or 6 *l.*

1187. Do you think there would be any purchasers to so large an extent as Woolmer?—If it were cut up into lots of 200 or 300 acres, I think it would find purchasers; some part would grow larch fir, and the whole of it would grow Scotch fir, provided the wet was got rid of, and provided this iron pan were broken through; some of it is already planted with Scotch fir and oak, and most of them are very miserable.

1188. Do you think any portion of the 4,000 acres of uninclosed land would grow larch with advantage?—A very little would grow larch; there would be very great risk attending it.

1189. You think, upon the whole, the best plan would be to sell it?—I think so, decidedly.

1190. *Chairman.*] You consider that the best way of managing timber properly is to divide it into certain portions and thin a certain part at certain periods?—I think I would prefer, myself, thinning every year the whole of it; fixing upon certain trees to remain, and whenever they were injured by the growth of the surrounding trees cutting the bad ones out of the way.

1191. If the Government order a certain number of trees to be cut without any reference to what is left behind, that must produce an injury to the stock remaining?—Yes, that is decidedly wrong; the thinning ought to take place according to circumstances.

1192. Under the notion of those forests being adapted and destined to grow navy timber, the Purveyor of the Navy sends down an order for the forests to produce a certain number of trees without any reference whatever to the good of the forest?—I think the person who has the management should be left to his own judgment to select the trees and thin around. I think that has been the case hitherto in Holt Forest; there has been no order to cut a certain number of trees; common sense shows that such a course as that must be wrong.

1193. Is it your understanding that the Purveyor of the Navy has anything to do with determining what trees are to be cut, or requiring what quantity of timber is to come out of the forest, or is it the practice that those at the head of the management of the forest determine for themselves what quantity of navy timber they can supply, and offer it to the Admiralty of their own accord?—As regards Holt Forest, there has been no navy timber to cut; it is all small, and the surveyor has exercised his discretion.

Sir *Archibald Keppel Macdonald*, Bart., called in; and Examined.

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1194. *Chairman.*] YOU live in Woolmer Forest?—Yes.

1195. Are you well acquainted with it?—Yes; I pass it two or three days in a week.

1196. The greater part of it is uninclosed, and grows nothing but fir?—There are about 3,000 acres uninclosed; there are 5,000 altogether, and about 1,800 planted with Scotch fir principally.

1197. Do they grow?—Yes, but not very rapidly.

1198. What age are they?—From 30 to 40 years of age.

1199. Are they beginning to fail?—I have heard so. I have land planted with Scotch fir adjoining, and they are beginning to die off now; they are about 35 years old; I am selling them for railroad sleepers.

1200. You find generally they begin to die off on that land?—Yes.

1201. Are there any larches upon it?—No; they do not live there; they die off very soon.

1202. Has any other kind of fir been tried?—I am not aware; there is a great deal of bog mould.

1203. Is that wet?—A great part of it is, from want of draining.

1204. What is the proportion that is now entirely uninclosed heath land?—Three thousand two hundred acres not planted, quite rough heath.

1205. What is it that has got something upon it of some sort?—There are about 300 acres of oak in different places; there are fertile spots here and there, and they are planted with oak, and the rest is planted with Scotch fir.

1206. How much is the rest?—About 1,500; 300 in oak, and the rest uninclosed.

1207. Do those oaks thrive pretty well?—Some are very fine timber.

1208. They are in the bottoms, I suppose?—They are on the fertile spots, where no heath grows; hollies and oak grow.

1209. What could you do with that 3,000 acres?—You might plant it with larch. Mr. Paine says they will not grow, and I do not much think they will; but there is a difference of opinion there: it would cost 5*l.* an acre to plant them by contract for hop-poles; they might grow 12 or 14 years before the root reached the soil.

1210. At 14 years they would not be tall enough?—Fourteen-feet hop-poles would be tall enough; they are very saleable.

1211. Would they grow a foot a year?—I should think they might.

1212. Do you know any way in which the forest could be made more productive than it is?—I do not indeed. I do not think anybody would buy it with a view to cultivating it; a great deal of similar land has been sold in my neighbourhood under the Inclosure Act, in Hadley parish.

1213. How far are you from Sir Charles Taylor?—Four miles and a half.

1214. Has he bought any of it?—He has some adjoining, but I do not know when he became possessed of it.

1215. That is a very poor soil where he lives; but it would sell at a high price, would not it?—It is a better soil than Woolmer Forest; he has very fine oak trees surrounding his house.

1216. Would not the gentlemen in the neighbourhood, if it were put in convenient lots, buy it?—I think people would buy it by pieces adjoining their own property; but I think no one would buy it as an investment; it is out of the reach of railroads.

1217. There is a great demand for that sort of land now?—Within reach of a railroad there is, but it does not sell for much at a distance from a railroad.

1218. There is a railroad now coming close to you?—We hope so.

1219. Does not the Godalming Railway come there?—It is 15 miles.

1220. There is the Direct Portsmouth?—We hope it will come.

1221. They have their Bill?—Yes, but there seems to be some doubt about it.

1222. It will come close to you?—Within three miles of the centre of Woolmer Forest; but there are no passable roads to it.

1223. Do you think the good part of the forest, that is to say, the 300 acres of oak, and the 1,500 acres, could be converted into any better purpose than it is now?—I think the Scotch firs might be sold profitably for railroad sleepers;

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a great number even now, and more in a few years; they are worth now 9½ *d.* a foot, and I have no doubt they will become more scarce in a few years.

1224. They will not take them less than 13 inches square, will they?—Nine inches diameter; six feet from the ground.

1225. At what age would they come to that?—I think these must be 30 or 40 years old.

1226. Will they come so soon?—I think so, with judicious thinning; if they are not allowed to run up to the others.

1227. You think Woolmer Forest, upon the whole, is as well managed as it can be?—A great part of it is uninclosed, and requires no management at all; it cannot produce anything but turf, and that the people cut.

1228. Is there much depredation of that sort upon it?—I suspect there is, for it is of large extent, and I do not think there are many men employed upon it; they have their cottages on the borders of these large plantations, and I do not often see them moving about; but the shooting is let, and if there was a gamekeeper employed he would keep off the people a great deal.

1229. Is there much ground game?—No, very little indeed.

1230. You farm largely yourself, I believe?—About 1,200 acres, but it is divided by Woolmer Forest; it is cut in two, so I pass the forest every day, going from one farm to the other.

1231. You know Holt Forest very well?—Not so well; I go through it to Farnham market.

1232. Did not you examine it lately, to see whether the accusations of Mr. Brown against Mr. Higinbothom were just?—Yes; I went there to see what number of trees were left to the acre on the disputed points, with a timber merchant of the name of Marshall and Mr. Paine.

1233. The point you paid attention to was the dispute as to the matter of fact?—Yes.

1234. And you found Mr. Higinbothom's statement was true?—We thought so; that was our impression at the time.

1235. And that Mr. Brown's charge was not true?—Yes; because we measured the trees on the same spot as Mr. Brown had measured them; the same men who took Mr. Brown round took us round.

1236. Have you known Mr. Higinbothom long?—By name for the last five years; but I have been only personally acquainted with him for about two years.

1237. You have read the charges made against him?—Yes.

1238. They are as much of a moral character as of a professional character; you do not think that that is the character that Mr. Higinbothom deserves?—It certainly is not the character he bears in the neighbourhood.

1239. Although he did not understand anything of the matter when he first came, he has paid great attention since to the management of woods?—I think he seems very anxious indeed to do his duty; and I have been in the habit of sending to him to know the prices he pays for barking, and I feel great confidence in him in that respect.

1240. You consider the forest well managed under his direction?—Yes.

1241. Mr. *V. Smith.*] You consider him now a first-rate manager of forests?—I do not think anybody could manage a forest better, from what I can see.

1242. How long have you known him?—About five years.

1243. When you first knew him, did you view him in the same light?—Yes, quite in the same light.

1244. It is a great many more years than that since he was first employed?—Seventeen years.

1245. When you state that Mr. Higinbothom's facts were true, and Mr. Brown's untrue, do you mean to say Mr. Brown's statement was wilfully untrue, or how was he deceived?—He had been very careless in the statement he made; he had not taken much trouble to prove his correctness.

1246. You think he gave in his facts without sufficient opportunity of investigation?—Yes.

1247. You stated that the farm you hold is intersected by Woolmer Forest?—Not the whole forest.

1248. Are there many other properties in the same way intersected?—Yes; there are several small properties on each side.

1249. Would it be an advantage to the farm that you hold to possess that part

part of the forest that intersects your farm, if it were sold?—It certainly would be an advantage to have one's property connected.

1250. Is not the land the same as on your farm?—No; my farm, on the west side of the forest, is very good land. I grow hops.

1251. The land that intersects it is very poor land?—Very poor land.

1252. Having the good land by the side of it, could you make it available for any agricultural purposes?—No, I should not attempt it for agricultural purposes.

1253. What would you do with it?—I would lay it down in grass and make a sheep-walk; it is a very reddish sand in places, and ironstone; where you do not find this iron sandstone, you have to dig to a great depth for materials for mending the roads.

1254. Supposing the Crown to be disposed to part with Woolmer Forest, do you think it could so part with it, on advantageous terms, to landed proprietors, in a similar way to yourself?—If the Portsmouth Railway were completed, it would add to the value of the forest.

1255. If the Portsmouth Railway were completed, would persons buy land for the purpose of building villas, or for the sake of agricultural purposes?—I think it is too far from any large town to be used for villas; it would be 49 miles from London by railroad.

1256. From Portsmouth, how many?—Twenty-eight.

1257. *Chairman.*] There are very poor properties in your neighbourhood which have sold for very large sums, are there not?—I do not know of any, except my own.

1258. Mr. *Wilson.*] You have been asked, with respect to the circumstances under which Mr. Brown stated these facts, and you stated that you thought he had been careless, and not sufficiently attentive in the statement of those facts: are you aware that the circumstances under which the report was made were these: he had been to the forest about a year before he had made a statement with regard to that particular enclosure, and that statement, in the month of December or thereabouts, had been sent to the deputy surveyor, who had made a report, denying, or wishing to correct many of the statements Mr. Brown had made; and Mr. Brown was again sent down in the month of January, for the purpose of re-examining the state of facts he had previously stated; and it was upon that second report that you were called upon to give an opinion?—At the time I was called upon to go over the forest I never had heard of Mr. Brown; I did not know that there had been any dispute about the matter.

1259. Are you aware, now, in stating that it was carelessness on the part of Mr. Brown, that he had reiterated the statement that he had previously made, and which you were called upon to remark upon immediately before?—I did not know it at the time.

1260. You did not know it was the second report?—No.

1261. It has been stated by a witness, with regard to Mr. Higinbothom, that he is very incompetent to perform the duties he has to perform; is that your opinion?—Certainly not.

1262. As a private gentleman, living in the neighbourhood, upon some part of the management, where you have similar work to perform yourself, you are in the habit of asking him the price he pays to govern yourself?—Yes, in selling bark particularly.

1263. And also the price he pays for barking?—Yes, and the price he makes of his bark is generally a very good price.

1264. If you can get your work done as low as he can get his, and get as good a price as he gets for his, you are perfectly satisfied?—Yes.

1265. Are you ready to express an opinion as to the general condition of the Forest of Holt; whether the trees are in a promising and flourishing condition for their age?—I do not consider that my opinion would be of any great value; it was a matter of measurement that I went to see, and general management.

1266. Mr. *V. Smith.*] You have no general acquaintance in foresting yourself?—I do not consider myself a judge.

1267. Mr. *Tollemache.*] Did the people who bought the land at Woolmer cultivate it?—Yes.

1268. What has been the success?—It has only lately been enclosed; it is impossible to say at present.

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1269. Does that land require draining?—A great deal of it does in the low ground; it is a wet land, and that has been drained at a great expense.

1270. Do you think that wet land will be profitable?—I hardly think it will; a good many of the wild sort of pony are supported upon those commons.

1271. Are there many animals?—Yes; several cows, and a great many ponies.

1272. All the year round?—Yes, all the year round; in winter too; they live upon the gorse and furze; they only exist; they are half starved.

1273. The forest is not managed under the forest law?—I am not quite certain that that is very strictly adhered to; the forest is not fenced in at all, and the cattle from the adjoining commons stray under it.

1274. Are there no drifts made?—No; they come in of their own accord when they are driven in for shelter; there are no drifts made.

1275. Are the rights of the commoners well defined, or do they turn out as many cattle as they please?—I think they are not very particular about the rights of the commoners.

1276. They cut as much turf as they please?—Yes; I suspect many do so who have no right.

1277. Are the trespassers ever punished for trespassing?—I am not aware of it since the last five years; I see people cutting turf; whether they have a right or not I do not know. I only suspect that people come there who have no right.

1278. Do you mean that people cut turf for sale?—No; to supply themselves.

1279. What is your rate of wages?—Eleven shillings a week day labourers; the carters and shepherds have 13 *s.* a week.

1280. Earl of *Shelburne*.] Are you aware whether Mr. Higinbothom had any experience in the management of property with timber upon it, before he undertook the management of Holt Forest?—No, I was not aware that he ever had; when first I knew him I supposed he had been bred up to it, but since then I have heard that he was not.

1281. Mr. *Wilson*.] Did you suppose that he had been brought up to it in consequence of the apparent familiarity that he had with the subject?—Yes.

1282. In his neighbourhood he has the reputation for being a good manager, and attentive and vigilant in his duties?—Certainly.

1283. Mr. *Tollemache*.] Is he vigilant in protecting Woolmer Forest from trespassers?—There is such a large extent of ground that it would require a very large staff.

1284. If Woolmer Forest belonged to a private individual, do you think he would allow trespassers?—There is not a sufficient staff, I believe; Mr. Higinbothom does his best to stop them.

1285. Mr. *Compton*.] Have not those people exercising rights over the forest exercised those rights for a great number of years?—They have none of them built cottages upon the land; that is the first thing that they do; they build a hut, and live in it for 21 years, and then call it their own; there is nothing of that sort.

1286. Have not they exercised what they call the right of cutting turf, and turning out cattle, without stint, for a great number of years?—I think there are cattle there that have no business there.

1287. Mr. *Tollemache*.] Did not you say that a portion of the present land would grow larch with advantage?—It might do so.

1288. Do you think it would do so?—I should try the experiment upon a small scale; it would cost about 5 *l.* an acre.

1289. Do you know any larch growing upon land of this description which has been sold?—Yes; upon worse land at 40 *l.* an acre, 10 years' growth; but some parts of Woolmer Forest would certainly grow it.

1290. Therefore there is a portion of Woolmer Forest now altogether unprofitable which might be made profitable by the growth of larch?—Yes, certainly.

1291. Mr. *Compton*.] How much an acre should you be inclined to give for land in Woolmer Forest?—Some parts of it are worth three times as much as others.

1292. What would you give for the bad parts?—I should not care to possess them;

them; as the forest is situated near railroads, and it is a very pretty country, it might sell for building purposes.

1293. Mr. *Brand.*] Would the forest grow Scotch fir for hop-poles?—Yes, it would grow Scotch fir.

1294. Do you find Scotch fir profitable for hop-poles?—No; for railway sleepers.

1295. You heard Mr. Paine state that Scotch fir was very useful for hop-poles?—Yes.

1296. *Chairman.*] You have never seen any of the poorest part of the forest planted with either larch or Scotch fir, have you?—Yes, with Scotch fir for hop-poles.

1297. I understood you to say that there were 3,000 acres not planted at all?—Part of it would be fit for Scotch fir, I think; I have seen it growing on soil as inferior.

1298. Earl of *Shelburne.*] You stated that a considerable portion of Woolmer Forest might be sold to surrounding neighbours, to whom it would be an object, but that a considerable part of it would be almost valueless in the market; can you give the Committee any notion of the proportion which is saleable in that sense?—I should think two-thirds of it might be sold with advantage; people are disposed to pick out the best; those living in the neighbourhood would have opportunities of finding out which was the best land.

1299. Mr. *Tollemache.*] If the whole of Woolmer Forest were divided into lots, and offered for sale, do you think there would be purchasers for the whole of it?—Certainly; there would always be purchasers.

Mr. *Murray Marshall*, called in; and Examined.

1300. *Chairman.*] YOU are a large Timber Merchant, I believe?—Yes.

1301. You live at Godalming?—Yes.

1302. You have been in business for many years with your father?—Yes, have.

1303. You have been in the habit of buying timber, amongst other places, from Holt Forest?—Yes.

1304. Do you remember in your father's time having bought any very large timber out of that forest?—Yes, repeatedly; and in my time too.

1305. Large timber?—Yes.

1306. What do you call large timber?—When it exceeds 100 feet we consider it large timber; we term it Government timber when it is 70 feet and upwards; and we call it large when it exceeds 100 feet.

1307. Which do you reckon the most valuable timber, that which is crooked or that which is straight?—Both have their merits; they are both necessary, but the crooked is more prized than the straight.

1308. With reference to a cause of constant dispute amongst these timber managers, with regard to the distances at which trees should be grown, of course you know that the nearer they are, the more straight timber you will have, and the wider apart, the more head and crooked you will have?—Much depends, of course, upon the soil and the character of the timber that it will grow; some soil grows long straight timber, and in others, do what you will, it will not get up; the tendency is to spread out and come short. In the one case it grows straight for planking purposes, and in the other it grows crooked.

1309. Your father had, and you have, a good deal of property under timber yourself?—A great deal.

1310. Do you find that when the trees have a tendency to grow short they produce heads, and that if you force them, by growing them too thickly together, they grow rushy?—Yes, that would be the effect; but that would also proceed from being too thick together.

1311. You can lay down no certain rule for them; it must depend upon the judgment of the man who manages the forest?—Entirely; in some cases you can grow double the number of trees per acre that you can in others; for instance, 60 would have a good appearance upon the ground in some instances, and 120 to 150, almost similar sized trees, in other instances.

1312. Up to a certain point, the oaks upon sand grow faster than they will on clay?—Yes.

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1313. But after that, which suits them best?—They will prosper longer upon clay than upon sand, no doubt.

1314. They will never come to so large a size upon sand as they do upon clay?—That depends upon circumstances; the roots may be nourished from different causes, such as standing upon a slope.

1315. I am speaking of the difference between clay and sand?—I think there is no settled rule as to that. I think quite as large and good timber is grown upon sand as upon clay.

1316. Does not the timber that is grown upon sand become sooner faulty?—Upon gravel, not upon sand; gravel is very injurious.

1317. It becomes faulty at the bottom?—It becomes red in the heart.

1318. What do you call that technically?—Red-hearted; it becomes short in the grain, and it would not bear the same pressure upon it that a long prosperous grain would.

1319. You have been over Holt Forest lately, have you not?—Yes.

1320. How do you think that forest is managed?—Upon the whole, I think the management is very good.

1321. There were some disputes between Mr. Brown and Mr. Higinbothom upon matters of fact, and you went, I think, to ascertain how it was?—I did.

1322. Whom did you find right as to matters of fact?—Substantially, Mr. Higinbothom.

1323. Were there any matters of opinion between them, that you were required to decide upon as to the grubbing?—Yes. I did not differ from Mr. Brown in many points; many of his points were correct, but in other points of fact he was certainly very wrong.

1324. Did Mr. Higinbothom agree with him in those points upon which Mr. Brown was correct?—Yes.

1325. Was any timber found growing from stemmers there?—Very little; it is mostly planted timber, not saved from copse.

1326. They are all planted?—Yes. The stemmers, of course, proceed from stems saved from underwood.

1327. They never come to anything, do they?—Yes, they do; but it is a very bad plan.

1328. Did you ever see them come to a large size?—Yes, upon Lord Darnley's estate, in Kent, there are some of a very large size, saved almost exclusively from stemmers, but the result is very bad.

1329. Why?—Because they are defective at the bottom, more so to the eye of the purchaser than in reality; some two feet up.

1330. It is a good thing for the timber buyer if the defect is more to the eye than in reality?—The timber merchant buys it on the stem.

1331. Can he see it?—No, he cannot see the defect; there is a hole in consequence of its being saved from a stem; this hole comes in the centre of the tree, and runs up in distances varying from six inches up to two and even three feet, and that generally produces a red heart; to a purchaser who sees the tree, it gives him every chance of seeing to what extent it goes, but the man who buys it upon the stem is deceived.

1332. Do you know Woolmer?—Yes, I know it to be very poor and barren.

1333. Do you ever buy timber from that part of the country?—Yes; from the neighbourhood all round.

1334. Do you ever get large timber from it?—Just in the neighbourhood, but not in Woolmer, I have had some very good timber.

1335. What would you do with the bad part of Woolmer Forest, if it were your own?—I would get rid of it.

1336. Would you plant it with Scotch fir?—That depends upon whether you have much money and do not care for a return; if you wanted game preserved, possibly that might be advisable.

1337. Do you think that poor land would grow either Scotch fir or larch?—Scotch fir.

1338. Upon the poorest land?—Yes; it would want a great deal of money laid out upon it; the outlay is so great. I expect there is a sort of vein underneath, and it would require a great deal to get up, and it would be as costly per acre to get it into a proper state, as land that would be productive after it was once done, and this land in Woolmer Forest would not be productive.

1339. Do

1339. Do you think that the land of Holt Forest would be more valuable if used for agricultural purposes?—Certainly not.

1340. At what price do you reckon land is better for agricultural purposes than underwood?—It requires a tolerably prosperous plantation or underwood to pay 10 *s.* to 20 *s.* an acre.

1341. Mr. *V. Smith.*] You say that the bad land in Woolmer Forest might be made available with a great outlay of money; what would you lay out that money upon?—In the preparation for planting; that has not been properly done in its present state; much of the present planting would require to be cleared and done afresh, and the unenclosed ground I speak of too.

1342. What else would the land require; is draining necessary?—Yes.

1343. Open ditches?—Yes.

1344. Has that been done?—In some parts of it it has.

1345. You have been in the habit of purchasing wood felled in Holt Forest, I think you said?—Yes.

1346. What is the custom of sales with regard to the Crown Surveyor of Holt Forest?—Generally by auction.

1347. Is there a large competition?—Yes; it generally fetches its full value there; there are several merchants in the neighbourhood round about there.

1348. Do you consider that the best method of selling timber?—It depends upon the character of the timber, and the situation; but it sells in that situation as well as any.

1349. It is sold standing, is it not?—No, it is cut. The bark is generally sold with the flittern bark, and the timber is offered by auction in two or three months afterwards.

1350. *Chairman.*] It is very much the custom in Scotland, where there are large districts of fir timber, to have saw-mills upon the estate; do you think that a good thing in a forest?—If it is for large timber, I should say decidedly not.

1351. Why not?—Because the manual labour is too much; there is too much manual labour compared with the cost of sawing, and getting it on to the saw bench and off again; because a large tree is generally converted into large scantlings, and required very little sawing. There is more sawing, in point of fact, upon a small tree comparatively, than upon a large one. There is much more manual labour upon a large tree than there is upon a small one. A considerable saving may be effected by machinery, I have no doubt; I have estimated it very closely for now nearly 18 months, and I consider I am saving something like 25 to 33 per cent; but, under mismanagement, that might easily be brought to nothing.

1352. Mr. *V. Smith.*] Do you use a saw-mill yourself?—Yes.

1353. Have you water-power?—No; I use steam-power.

1354. *Chairman.*] You are aware that in the sandy hills they sink pits where the trees fall, and saw them up?—Yes.

1355. In situations of that kind, you would not recommend a saw-mill?—No, for this reason: if a saw-mill could be placed in the centre of a large tract of forest, that would require to be thinned year after year; and a mill being placed on the road towards the place of despatch, then I think a great saving might be effected. But if the timber is to be collected from distant points to one spot, particularly fir timber, which is so very heavy in an unsawn, green state, then I do not think that sawing machinery would answer.

1356. It would answer better in the case where you could not sink pits?—The expense of a pit is a mere bagatelle.

1357. But you cannot sink a pit on a wet soil?—Yes, by putting a common drain down to some low place, or by baling the drainage water; it is a very inexpensive process, making a saw pit.

1358. Have you ever seen portable saw-mills?—Yes; that was the character of the mill that I had; I had a portable engine.

1359. You had not a vertical saw?—No.

1360. Was it a circular saw?—Yes.

1361. What was the diameter?—Three feet six inches is the largest.

1362. You can only cut 18 inches?—About 18 inches.

1363. You cannot cut a large tree?—No; nor could I recommend anything larger than that for a circular saw.

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1364. It would not cut it?—No; with a moveable engine, I would not recommend any one to attempt a larger cut than that.

1365. What is the power of your engine?—Twelve horses.

1366. How many horses does it require for a vertical saw?—You may work with a 12-horse power, but it is a much more expensive machinery altogether; all the appliances are so very different in their character. You have to make your building permanent; there is much more vibration.

1367. You could not have a portable vertical saw?—No; because the foundations and all must be of great stability to stand the jar.

1368. What is the largest circular saw that you would use for timber purposes?—I believe they are used as much as five feet; but they would not apply to my purposes.

1369. That is for veneering; do you mean that they are used for common sawing purposes so large as that?—No; they are used more amongst foreign timber than with rough timber; you find circular saws from four to five feet.

1370. For veneering, but not for common purposes?—No, not for common purposes.

1371. Mr. *V. Smith.*] Would not a portable saw mill in a forest obviate some of the objections that you have stated to a stationary one?—The expense of moving from place to place is something considerable, because you must have it fixed in such a way that it must be firm, and take off the jar.

1372. You mean the expense of the cartage of it upon heavy ground?—No, merely in fixing it.

1373. Mr. *E. Denison.*] What expense would be incurred in fixing your engine?—That would depend upon the situation.

1374. Are you speaking with a practical cognisance of the matter of moving a portable saw mill and engine?—No; I have moved them for threshing purposes, therefore I can judge to some extent.

1375. Mr. *Compton.*] You convert the timber after you have carried it from the forest?—Yes.

1376. Would not it be desirable to convert it in the forest, as the carriage would be so much less?—The profit would be very little, unless under very first-rate management; and then the objections to the Crown converting it is this: that they would not have constant work for the machinery; they would be subject to the whims and caprices of merchants, whether they would have their timber converted this month, or two months hence, and so on; and half-a-dozen people might fix upon a certain time to have their timber cut.

1377. Mr. *Fortescue.*] Would purchasers be more likely to come if they found a saw mill there which they could hire at a certain time?—I think it would be a very slight inducement.

1378. Mr. *Compton.*] They could convert timber fit for the navy at any time without depending at all upon other persons, could they not?—Yes; but I question very much whether it would answer for navy purposes; the portion of the machinery of which we have been speaking would not be applicable to that. The manual labour of getting a heavy navy tree on to a bench and back again is too much, because in a navy tree merely the two slabs are taken off; just a cut from end to end.

1379. Do you remove the timber in a dry state?—Yes.

1380. *Chairman.*] Do you convert the timber yourself without an order to do so, or do you sell it to anybody as you buy it from the grower?—It depends upon circumstances; for railroads we convert to order, but to shipbuilders the timber generally goes in as we buy it.

1381. The shipbuilders themselves are the best judges of the conversion?—Yes.

1382. Therefore shipbuilding timber could not be converted in the forest for their use?—There would be a very strong objection to that. The fact is, that no two men would agree as to the best mode in which it was to be done; two different ships would require two different modes of conversion.

1383. Does it ever happen that timber lies a long time upon your hands before you find a sale for it?—Very often it does, two or three years.

1384. Mr. *Tollemache.*] Do you ever supply timber to the dock yards?—Yes.

1385. You contract, do you not, at so much per load?—Yes.

1386. Is

1386. Is the timber that you sell inspected by the purveyor of the navy?—Yes.

1387. What sort of test does he apply?—A very severe and very unfair one.

1388. Does he bore holes in it?—Yes; it is most unfair; it is sold as condemned timber after that test has been applied, although virtually it is as good as ever it was. It is open to any man to know that it is a condemned tree.

1389. *Chairman.*] You make the Government pay more for it?—Yes, that is the result of course, that they have to pay more for their severe test.

1390. Mr. *Tollemache.*] It appeared by evidence that was given to this Committee that 3,115 trees were cut down in the New Forest, which amounted to 2,635 loads, and only 936 of those loads would bear the test which was applied by the purveyor of the navy; do you believe that any timber merchant would allow the purveyor of the navy to apply that test to so great a number of trees when only so small a portion would bear the test?—The timber of the New Forest is notoriously bad, and there should be a margin for this with the merchant; a merchant would not buy that quantity with the same proportion of bad timber as there is in the forest.

1391. Why is the timber bad in the New Forest?—It has stood too long and it has bad knots.

1392. You believe that if the New Forest had been under good management those trees would have been cut down long ago?—Yes, many years ago.

1393. If you had purchased 3,115 trees in the New Forest, of which only 936 loads would bear the test, should you allow the purveyor of the navy to apply that test to that large number of trees?—We do; we do not like it, but we do permit it.

1394. Do not you select the trees which you feel pretty confident are sound for this test?—They generally go and select themselves, and reject such as they think are bad without a second thought, and others that they consider good then undergo the test.

1395. Do you allow the purveyor of the navy to go into your timber-yard and apply this test to any tree that he likes?—I do not, because I have a strong objection to it; but there are those who do. I have not sold any for the last two or three years to the Government in consequence of this test.

1396. Mr. *Fortescue.*] Does the application of the test diminish the value of a tree that is found not sound; if it is found not sound it is rejected; is an unsound tree much the worse for being rejected?—It might pass muster with a private individual at a private shipyard as a moderately good tree, but once put this test to it and the buyer says, "I must have it at a reduced price."

1397. Mr. *E. Denison.*] Supposing there are two good sized trees, and one passes muster, and is a sound tree, at the present price, what would be about the value of that tree per foot?—£.5. 10. to 6*l.* per load.

1398. Supposing a tree of the same size, but in which there was some flaw, such as a knot which ran in, in consequence of which the tree was condemned, what would the worth of it be, after being condemned, per load?—In reality perhaps that tree would be equally suitable for a merchant's use, within 1*l.* or 30*s.* a load of the former price, but he would be very loth to give it.

1399. What is the loss upon all timber that has been condemned?—Thirty shillings a load, and 50*s.* to 3*l.* per load upon plank; they test a plank in the same way; they have every chance of seeing the quality of the plank.

1400. There would be a loss of 30*s.* per load upon timber, which in reality, with good management, might be just as useful for naval purposes as if it had not been condemned?—Yes.

1401. Mr. *Compton.*] You would not allow the purveyor of the navy to come into your yard and try timber?—I have made a stand against it; other merchants have, I believe, permitted it, but I never have.

1402. When you buy compass timber, you convert it for the purpose of shipbuilding?—No, we do not.

1403. Not without an order?—No; rarely with an order.

1404. You do not convert it for shipbuilding at all?—No; shipbuilders generally convert their own, all crooked timber; because they have all their moulds at their different saw-pits; when the two slabs are taken off a tree the next condition is to know the sweep which should be arrived at.

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1405. You do not, in fact, buy a great deal of compass timber?—Yes; it is what we are always trying to find; we give a high price for it.

1406. To whom do you sell it?—To shipbuilders.

1407. They buy timber before it is converted?—Yes; in the log.

1408. In the application of this test, which is applied by the purveyor of the navy, does not it very frequently happen that a tree that appears to be perfectly round and sound is found to be faulty when the auger is thrust into it?—Yes; there are many knots which appear sound on the outside that in reality are unsound within.

1409. The timber has grown over?—Yes; capped over; that is where the boughs have been sawn off or knocked off years ago, over which fresh wood has grown.

1410. Mr. *V. Smith.*] Were you understood to say that some of that timber pronounced unsound might be fit for the navy?—For merchant purposes it would, and many of the navy purposes.

1411. *Chairman.*] Many of those knots and holes have come from a sort of pruning called pontifying?—Yes, capped over. It is a curious fact, but you may discover where a saw has been in the case of trees which have stood 100 years since a bough was cut off; you may see, exactly, the saw cut.

1412. Mr. *Fortescue.*] Do you know the timber of the New Forest well?—I know the general character of it.

1413. *Chairman.*] You go there to buy?—Yes.

1414. Mr. *Fortescue.*] You say its unsoundness arises from its having stood too long?—Yes, a good deal of it.

1415. You said just now that it was from old injuries?—Yes; and from boughs having been broken off.

1416. Mr. *Tollemache.*] As well as from age?—Yes.

1417. Mr. *V. Smith.*] Was there a large cutting in the New Forest last year?—Yes, very large.

1418. Do you think too much was cut?—I do not know; I cannot speak as to that.

1419. Earl of *Shelburne.*] Do you know why it was allowed to stand too long, if it ought to have been cut?—I suppose it must have been an error in judgment.

1420. Was there any other motive, do you think?—I imagine not; whether it was considered not fit for naval purposes by really practical men, or what, I do not know.

1421. Mr. *Tollemache.*] Do you live in the neighbourhood of Woolmer Forest?—Near there.

1422. Do you think Woolmer Forest could be sold if it were cut up in lots?—It is not very near a town.

1423. But there are gentlemen having property in the neighbourhood?—It is not very desirable for them. I do not know of any one who would be a purchaser.

1424. Lord *E. Howard.*] Did you ever observe upon what kind of soil the oak timber which turned out best grew?—Upon clay; the wealds of Surrey and Sussex.

1425. Your experience is very large in the country south of London; do you go to the north of London?—To Buckinghamshire and Essex.

1426. Is there much large timber for navy purposes upon the land of private individuals?—We have fancied that we must come to an end of it; but every year there appears to be, from the aid of railroads and so on, bringing distant places so much nearer to us, quite enough for the demand.

1427. And the large timber fit for navy purposes can be transported, so as to pay, upon railroads?—Canals suit the transit of timber best, considerably.

Martis, 4° die Julii, 1854.

MEMBERS PRESENT.

Mr. Henry Drummond.	Mr. Brand.
Mr. Vernon Smith.	Mr. Wilson.
Lord Edward Howard.	Mr. Compton.
Mr. Tollemache.	Colonel Clifford.
Mr. Chichester Fortescue.	Mr. Fitzgerald.
Earl of Shelburne.	Mr. Evelyn Denison.

HENRY DRUMMOND, Esq., IN THE CHAIR.

George Arbuthnot, Esq., called in; and Examined.

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1428. Mr. *Wilson.*] WHAT position do you hold in the Treasury?—I am Auditor of the Civil List; but I should, perhaps, explain that the title of my office hardly designates my duties, which are those of a second Assistant Secretary, in fact.

1429. In your department, the departmental business of the Woods and Forests is placed?—Yes, the whole correspondence passes through my hands. I act in it under the direction of one of the Secretaries.

1430. Under the direction of the Secretary, you have the management of the business?—Yes.

1431. In the observations which you make I should wish it to be understood that no question whatever with regard to the personal disputes between the Treasury and Mr. Kennedy should be entered upon. I should wish you not to enter into any new subject whatever, but simply to clear up one or two misrepresentations or errors into which Mr. Kennedy has fallen, in the course of his examination, for the purpose of making those points clear. In the first place, have you any further reports to present to the Committee by the referees who were elected by the Treasury for the purpose of reporting upon the state of the Crown Forests, which have not been presented to Parliament?—The referees, after they had completed their inspection of Alice Holt Forest, were desired to report upon Bere and Parkhurst Forests, with respect to which Mr. Brown had entered into very similar charges against the deputy surveyor as he had made against Mr. Higinbothom. This is their report upon the subject, in which they fully justify the representations of Sir James Campbell the deputy surveyor.

1432. Have they expressed any opinion with regard to the general ability and management of Sir James Campbell?—Not further than can be collected from the state of the forests; and upon all the questions that were raised by Mr. Brown; upon all these points they report strongly in favour of Sir James Campbell. Perhaps I may mention, that I have had personal communication with the referees on the subject, and all of them spoke in the highest terms of Sir James Campbell, on account of his knowledge of his business.

1433. Have you any further report made by the referees upon the state of Delamere Forest?—Perhaps I had better put in first the Treasury minute which called for that report, because it related to Mr. Lipscomb's dismissal by Mr. Kennedy.

1434. Mr. Kennedy states to the Committee, in answer to Question 703, that he dismissed Mr. Lipscomb from his office; and in answer to Question 704, he proceeds to say that he communicated that dismissal to the Treasury; but he states: "However, the Treasury informed me to desire Mr. Lipscomb to go on as usual, from which I inferred it was the intention of the Treasury that he should not be removed, that is, that in spite of my removing him, they would continue him; there the matter ended." Will you state to the Committee what really occurred with regard to Mr. Lipscomb's dismissal?—Nothing whatever occurred to justify the conclusion that the Treasury intended to continue Mr. Lips-

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comb in spite of Mr. Kennedy's dismissal. The question of the authority under which the Commissioner of Woods acts in these matters is somewhat peculiar. The Act of Parliament vests the power of dismissal in the two Commissioners, but there is a clause which authorises the Treasury to divide the business of the office between the two Commissioners by warrant; and it has been assumed that under the authority of the warrant, the power of dismissal rests with the individual Commissioner who has charge of the particular department in which an officer whose conduct is impugned may be serving. But in that case, the Commissioner does not derive his authority immediately from the Act, as Mr. Kennedy has assumed, but under the authority of a Treasury warrant, which warrant the Treasury may cancel or vary any way they please; and when it comes to a question of the exercise of an authority of that sort, the Treasury, I think, are peculiarly bound to ascertain that the power is properly exercised.

1435. *Chairman.*] That is your opinion?—Yes; it is my opinion.

1436. It is not in the Act?—The Act says that the Commissioners of Woods, that is, the two Commissioners, should have power of dismissal.

1437. Mr. *Wilson.*] It is under the authority of the Act, that the Treasury give the power to one Commissioner?—To one Commissioner to execute the duties of his office; it has been supposed, I believe it is not quite free from some legal doubt, but it has been admitted that a Commissioner under the authority of that warrant may exercise the power solely.

1438. Putting that out of the question altogether, did the Treasury question Mr. Kennedy's authority at all to dismiss Mr. Lipscomb?—No, they did not.

1439. Did they not admit it?—They did; the Treasury letter with reference to the appointment merely referred to the question of the appointment of a successor. Mr. Kennedy, in his letter intimating Mr. Lipscomb's dismissal, stated that the probable period of his removal would be towards the beginning of April or middle of May; therefore there did not seem to be any great urgency with regard to the appointment of a successor, and so I suppose the Treasury wanted time to consider the subject.

1440. Mr. Kennedy states that the Treasury continued Mr. Lipscomb, notwithstanding that he had removed him. At what period was it that Mr. Kennedy wrote this letter to the Treasury, informing the Treasury that he had dismissed Mr. Lipscomb?—It was either the same day or the day after he had received authority to appoint Mr. Brown to Dean Forest.

1441. Was it not very early in January?—On the 10th of January he wrote to Mr. Lipscomb, and on the 11th of January he reported to the Treasury that he had done so.

1442. In his letter to Mr. Lipscomb, what date did he state as being the time when it might be convenient for his removal?—The letter stated as follows, "My impression is, the 1st of April or the 15th of May, or one or other of those times, may prove to be the most convenient."

1443. Therefore though he advised the Treasury that he had dismissed Mr. Lipscomb, he did not propose his removal from the forest until April or May?—No.

1444. Did the Treasury in the mean time take any steps whatever, in communication either with Mr. Lipscomb or with Mr. Kennedy, by which it could be inferred that they in any way wished to supersede Mr. Kennedy's decision?—No.

1445. So far as the Treasury were concerned, they took no steps whatever to interfere with Mr. Kennedy's exercise of his functions in dismissing Mr. Lipscomb?—None whatever.

1446. Did Mr. Lipscomb take any step for the purpose of seeking for an inquiry before his removal actually should take place?—He presented a memorial to the Treasury, appealing against the order of Mr. Kennedy.

1447. What is the custom of the Treasury, in the case of receiving memorials of that kind from the servants of subordinate departments in reference to the acts of their superiors?—To refer them to the head of the department in which such persons may have served.

1448. Was that memorial of Mr. Lipscomb's referred to Mr. Kennedy for a report?—It was.

1449. Did he report upon it?—He did.

1450. Pending

1450. Pending all these inquiries, references, memorials, and references, the extreme period which Mr. Kennedy had originally proposed to Mr. Lipscomb, that is the 15th of May, for his removal from his office, had not arrived until after those referees had been appointed for the purpose of generally considering the disputes which arose with regard to the forests?—It was intimated in the Treasury Minute, that a general inspection of the forests should take place by the referees.

1451. Was it thought necessary by the Treasury, before they could reply to Mr. Lipscomb's memorial, appealing against Mr. Kennedy's removal of him, that the Treasury should have a report from independent persons on whom they could depend, for the purpose of forming a correct opinion with regard to Mr. Lipscomb's statement in his memorial?—Yes; Mr. Kennedy in his reply had not brought any specific charges against Mr. Lipscomb, and it was thought fair to Mr. Lipscomb and the department, after all that had passed upon the subject of Mr. Brown's reports, to refer the question of the state of the forest, from which some opinion might be formed of the merits of Mr. Lipscomb's case, to independent persons.

1452. Then, without having made any communication whatever to Mr. Lipscomb, the Treasury thought it their duty to send three independent persons to report upon the condition of Delamere Forest, in order to come to a fair decision with regard to Mr. Lipscomb's memorial?—They did.

1453. Have you the Treasury Minute which appointed those referees for that purpose?—Yes.

1454. Were those gentlemen entirely independent of any discussion that had taken place in reference to Delamere Forest?—Perfectly.

1455. Where they all strangers equally to the Treasury and the department, and to the individuals whose case they were to judge?—With the exception of Mr. Menzies.

1456. The other two referees were entire strangers to the whole of the parties?—Yes.

1457. Will you put in the Treasury Minute which appointed those referees, for the purpose of investigating Delamere Forest?—Yes.

[*The same was delivered in, and is as follows:*]

TREASURY MINUTE, dated 9th June 1854.

My Lords have under their consideration the arrangements for the pending inspection of the Royal Forests, by the referees appointed for that purpose.

Write to Messrs. Mathews, Murton and Menzies, that my Lords have been given to understand that, previously to completing the survey of New Forest, which they have already commenced, it is their wish to visit Dean Forest, in order that they may observe the effect of certain measures which have been followed there, and which, if they have proved successful, may probably be adopted with advantage in the former forest.

State that my Lords approve of this course of proceeding, and will shortly issue instructions for their guidance in reference to the proposed inspection of Dean Forest.

Before, however, they proceed to that forest, it is the wish of my Lords that they should pay a visit to Delamere Forest, in order to ascertain its condition, and the propriety, or otherwise, of the course of management which has been followed by Mr. Lipscomb, the deputy surveyor.

This officer, as the referees will have learnt from the correspondence which has been transmitted to them, was about to be removed from his situation by Mr. Kennedy, on the ground of incompetency.

As Mr. Brown, in his first report, after an inspection of his forest, did not express an unfavourable opinion regarding its condition generally, and as Mr. Kennedy has failed to bring any specific charges against Mr. Lipscomb, my Lords are unable to point out any particular circumstances to which the attention of the referees should be directed; and they must request them to make such observations on the present appearance of the forest, the growth of the trees with reference to their age, the system pursued in planting and thinning, the nature and condition of the drainage, and the efficiency of the fences, as may lead to a fair judgment regarding the ability of Mr. Lipscomb for the charge hitherto confided to him.

They will also suggest any improvements of which the management may appear to them to be susceptible.

From the correspondence which passed between Mr. Kennedy, Mr. Brown, and Mr. Lipscomb, the referees will observe, that difference of opinion prevailed regarding the income which could be derived from the forest, and that Mr. Lipscomb was required to amend his estimates, in accordance with the suggestions of Mr. Brown. My Lords are aware of the great difficulty which exists in deciding on the merits of a dispute of this

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character; but as Mr. Brown attributed the failure of the deputy surveyor to realise his estimates entirely to want of energy on the part of that officer, my Lords must request the opinion of the referees on the subject of the income realised, and the expenditure incurred in recent years, so far as their professional experience will enable them to form a retrospective estimate, and the results which may be fairly expected in future years from judicious and energetic management.

The referees will direct their special attention on these points to the correspondence relating to the estimates for the year 1854, in which some misunderstanding appears to have arisen regarding the mode of bringing to account the produce of bark of the previous year remaining unsold, and in which imputations are cast upon Mr. Lipscomb by Mr. Brown for want of knowledge in respect to the sales of timber produce, and for an extravagant system of expenditure.

1458. In consequence of that decision on the part of the Treasury, did those referees proceed to Delamere Forest?—They did; and here is their report on the subject.

1459. When was that report received?—It is dated the 20th of June.

1460. It was received last week?—Yes.

1461. And it will now be the duty of the Treasury having that report, to reply, for the first time of their being in a condition to do so, to Mr. Lipscomb's memorial?—I presume so.

1462. Therefore nothing that the Treasury has done has in the slightest degree interfered with Mr. Kennedy's Act in the removal of Mr. Lipscomb; and his removal, although advised by the Treasury in the early part of January, was not contemplated to take place by Mr. Kennedy himself until the month of April or May?—No; the result is rather curious. The report acquits Mr. Lipscomb of every charge that had been brought against him by Mr. Brown and Mr. Kennedy, in reference to the estimates, and so on, and strongly condemns the mode of thinning which had been adopted with the concurrence of Mr. Brown, for the purpose of making up the present income; but, on the other hand, contrary to the opinion which had been given by Mr. Clutton in 1849, it condemns very strongly the system of management in the forest, the condition of the fences, drains and trees, and in fact it contains a general condemnation of Mr. Lipscomb's system of management. It further enters upon a question which will, I apprehend, occasion some embarrassment to the Treasury. It raises the question whether Delamere Forest is calculated to grow oaks at all, except upon one very small part of it. It says that nine-tenths of the soil are unfitted to grow oaks.

1463. *Chairman.*] Contrary to Mr. Brown's opinion?—Yes; and to Mr. Clutton's opinion.

1464. Mr. *Wilson.*] The opinion of the referees is contrary both to Mr. Clutton's former report, and to Mr. Brown's report?—And to Mr. Brown's report in every particular.

1465. Upon the whole, the report of the referees is very disadvantageous to the management and condition of Delamere Forest?—Yes.

1466. Will you deliver in the report on Delamere Forest?—Yes.

[*The same was delivered in, and is as follows:*]

To the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

My Lords, London, 20 June 1854.

In obedience to your Lordships' commands, conveyed to us in Sir C. E. Trevelyan's letter of the 10th instant, we have visited and made a careful survey of Delamere Forest, with the following objects in view:—

To make such observations on the present appearance of the forest, the growth of the trees with reference to their age, the system pursued in planting and thinning, the nature and condition of the drainage, and the efficiency of the fences, as may lead to a fair judgment regarding the ability of Mr. Lipscomb for the charge hitherto confided to him. To suggest any improvements of which the management may appear to us to be susceptible, and to form our opinion on the subject of the income realised, and the expenditure incurred in recent years, so far as our experience will enable us to form a retrospective estimate, and the results which may fairly be expected in future years from judicious and energetic management.

Our attention is also directed to the correspondence between Mr. Kennedy, Mr. Brown, and Mr. Lipscomb, in which certain charges are preferred against Mr. Lipscomb, in relation to the mode of preparing his estimates and realising his produce.

We

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We have now the honour to report to your Lordships on all the above points.

Delamere Forest is situated in the county of Chester, on either side the turnpike road leading from the city of Chester to the town of Northwich, and comprehends in area upwards of 4,000 acres. The soil is chiefly of a black sandy character, lying upon the red sandstone, varying in depth and quality in different parts of the forest, the low portions being poor and unproductive, and the more elevated parts varying in productive quality, as the sandstone occurs at a greater or less depth. It is interspersed with morasses, which were drained when the forest was first inclosed, and are now designated mosses; there are occasional banks of gravel, and, in some few spots, marl appears near to the surface.

The low parts and mosses have been appropriated exclusively to the growth of Scotch fir, and the upper ground has been planted with oaks, nursed partly with larch, and partly with Scotch fir; the greatest age of the present oak crop being about 36 years.

We have carefully examined every portion of the 4,000 acres; and, considering the nature of the sandstone rock which pervades the whole extent, its nearness to the surface, and the inferior character of the soil which rests upon it, we are led to the conclusion that this forest is in every respect unsuited to the growth of oak, and that such a crop ought never to have been planted upon it. There are some small exceptional parts lying on the extreme western side of the forest, called Organ Dale, Nettleford, Timothy's Plantation, Enfrie's Walk, and Crook Hill, where the better part of the soil is, and where the trees may, in a long course of time, become timber of second-rate quality and dimensions; but, over nine-tenths of the entire quantity, any attempt to grow oak must inevitably result in disappointment and great loss.

The general appearance of a forest so circumstanced must always be unsatisfactory. Continued planting and replanting, consequent on the failure of young trees, in such a soil, occasions a want of uniformity prejudicial to its appearance; and this has been unfortunately aggravated by a snow storm which occurred early in the autumn of 1852, before the fall of the leaf, by which the branches of a vast number of trees were broken, and a ragged, irregular appearance given to the better parts of the forest. The general aspect must not, therefore, be taken as a criterion of management.

Neither is the growth of the trees with reference to their age a true test of management. The variable character of the soil occasions as variable a state of growth at the same age; and we discovered that the small district on which the best and most uniform trees were growing (averaging about nine inches in diameter at six feet from the ground) was cultivated and marled at a considerable cost before the forest was inclosed.

The system pursued in planting and thinning does, however, truly indicate the quality of the management; and this we can, in no degree, approve. Trees have been planted in such places and of such sizes as to preclude all chance of their success. Thinning has been expensively conducted generally over the whole extent of the forest in every year, instead of being restricted to proportionate parts at periodical intervals. The brush taken from the thinning is universally left among the young trees, where it is taken off, to their great prejudice; a considerable loss has been sustained by an unskilful mode of cutting down trees; close pruning of live branches has been practised, to the serious injury of some of the best parts of the plantations, a system which cannot be too emphatically condemned; and it appears to us, that for some years the thinning has been done entirely with reference to income, and without due regard to the ultimate state of the forest crop. A very large amount in value of thriving larch trees, admirably suited to the soil in which they were growing, and approaching rapidly to good timber, has been displaced, to give room for stunted, thriftless oaks which are of no present value, and never can attain any.

The drainage upon so porous and dry a soil is a matter of no great importance, and it is probably on that account that the drains which were originally formed have never been cleared out.

The fencing is bad, and must ever remain so under the injudicious system which prevails of planting hawthorn on the summit of a high bank of loose sand, and permitting the trees to hang over it. On all sandy soils, the quick should be planted rather below the level of the adjoining land than above it, and kept free from overhanging trees.

With regard to future management and the improvement which may result therefrom, we are not accurately informed whether, under the provisions of any Act of Parliament, it is obligatory upon the manager of this forest to persevere in a fruitless attempt to rear oak. If it be, we have no suggestions to offer; but if it be competent to the responsible officers to treat the land under their care in the best manner, according as the nature and productive quality of the soil will lead to ultimate pecuniary advantage, then we are of opinion that the only course which ought to be pursued is to divide the forest into three parts. The first to comprise all the low lands and mosses which are now planted with Scotch fir; that these should be exclusively appropriated to that crop, being the only one to which they are adapted. The second to comprise the western portion of the Linmere Allotment, which forms the exceptional parts on which we have stated the best trees are now growing. Whatever may be our opinion respecting the ultimate success of this crop, it is far too valuable at present to justify its destruction, and it should remain in its present state and be managed with the greatest care. The third part, comprising the remainder of the entire forest, should be cleared and planted with larch, as a permanent crop.

The future income of this forest, conducted upon the present system, will continue as large as that suggested in Mr. Brown's report, so long as any part of the present stock of larch remains, which may be five or six years; after which time it will certainly fall back to a very insignificant amount, which it is impossible, with accuracy, now to estimate. The

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system of cutting larch, with a view to immediate income only, is not, however, a judicious course, and is opposed to the plan which we recommend of cultivating larch in a portion of the forest as a permanent crop.

The income realised and expenditure incurred in recent years, so far as we can form a retrospective estimate, appears to be accurately stated by Mr. Lipscomb; and although we consider the expenditure to have been excessive, and the income drawn from a wrong source, it in no way makes out a case against the deputy-surveyor of want of energy in realising his produce: on the contrary, if fairly examined, it proves that he has not suffered the proper time for making income to escape him. Nothing can be more unfair than to draw conclusions of average profits from the four years previous to 1852, those being the most unfavourable for the sale of produce which have occurred during the last 20 years; whereas in the preceding years of 1846, 1847, and 1848, the construction of railways called forth a great demand for particular descriptions of forest produce; and from the much larger amount of sales during those years, Mr. Lipscomb appears to have had no want of energy in availing himself of such demand. And if, during the four years from 1849 to 1852, when great mercantile depression existed, Mr. Lipscomb's sales had been altogether withheld, we should have considered his management entitled to greater commendation.

Nor can we give any weight to the imputations regarding the mode of bringing into account the produce of bark of the previous year remaining unsold, for we see no other way of dealing with the subject than that adopted by Mr. Lipscomb. With respect to the non-disposal of it and the manner in which it was prepared for sale, we see no fault. Mr. Brown tells Mr. Kennedy that if the bark had been of first-rate quality, it would have met with purchasers at 4 *l.* a ton, and in this we quite agree; but although it was cured in the way recommended by Mr. Brown, and of which method, for such description of bark, we entirely approve, it was not of "first-rate quality," and we consider Mr. Lipscomb should have been permitted to sell it at 3 *l.* 10 *s.* a ton. The cost of stripping, considering the value of labour in the Delamere district, is not overpaid at 2 *l.* per ton of such bark, and the correct price cannot be correctly tested by what is paid in another country and under different circumstances.

We have, &c.

(signed) *J. Mathews.*
Wm. Murton.
Wm. Menzies.

1467. It has been stated by Mr. Kennedy before this Committee that one great embarrassment which he had in the conduct of his business was, that he believed that Mr. Clutton's influence at the Treasury superseded his; and it was very embarrassing to him in the course of his business, because he, differing from Mr. Clutton generally in many essential points, felt that there was an influence at the Treasury superseding his influence, and therefore he felt very much embarrassed in the exercise of his duties. This has reference chiefly to the period since the beginning of the year 1853, when I went to the Treasury. Do you remember a single instance in the whole course of that time in which I, either personally or by letter, referred to or had any communication with Mr. Clutton whatever?—None at all. I am quite sure that Mr. Clutton had no communication with anyone upon the subject.

1468. So far as you know, do you believe that I ever saw Mr. Clutton at the Treasury?—I have every reason to believe that you did not.

1469. Do you believe, therefore, that Mr. Clutton's opinion or views were ever for a moment considered with reference to any proposal whatever that Mr. Kennedy made in his official capacity?—Not further than the views which were stated in his published reports.

1470. You never knew me to refer any case, either personally or officially, to Mr. Clutton?—Never; and perhaps I may add myself also, as all papers passed through my hands, that at that time I had no acquaintance with Mr. Clutton; I did not know him by sight.

1471. What was the reason for referring Mr. Brown's reports to Mr. Clutton, when Mr. Brown's reports were made to the Treasury first?—Mr. Brown was employed by Mr. Kennedy, without any authority from the Treasury, to survey the forests, and he reported strongly in every case against the system of management adopted, contrary to the opinions which had already been reported by Mr. Clutton. The adoption of his recommendations was urged upon the Treasury as those of a person possessing superior authority upon all matters of forest management, and the opinions of gentlemen of the South and West of England who were reputed to be authorities in those matters were represented as of no weight——

1472. *Chairman.*] Are you stating any more than what is already contained in the documents, and is it upon their authority that you state this?—No. The Treasury,

Treasury, when Mr. Kennedy desired to act entirely upon the opinions of Mr. Brown, thought it their duty to hear what might be said upon the other side by Mr. Clutton, whose opinions had been impugned.

1473. Mr. *Wilson.*] When those reports were first received from Mr. Brown, and when I perused them, is it not the case that I took a very favourable view of them, and had a very strong opinion indeed in their favour; but in consequence of Mr. Brown being an entire stranger to the Treasury and unknown, and employed without the authority of the Treasury, in the first instance I stated that it would be at all events satisfactory, before any great and important changes were made upon such reports, that we should submit them to a professional man who had already been employed in a public department, in order that we might see what his views were upon the subject?—Those were the reasons that you assigned to me, and I believe you gave the same reasons to Mr. Kennedy in personal communications that you had with him.

1474. After the report upon the Forest of Dean had been made, Mr. Kennedy sent subsequently what was called a postscript to that report; is that not so? —Yes.

1475. Do you remember what that postscript was, what it contained, the substance of it?—It reported a visit of Mr. Clutton's, which he made without any instructions, of his own accord, to Arniston, to inspect the woods upon which Mr. Brown had been employed in Scotland.

1476. The purport of the postscript had nothing whatever to do with Dean Forest; it was simply confined to a criticism of Mr. Brown's management of Arniston woods in Scotland, which Mr. Clutton had visited of his own accord? —Yes.

1477. Did I not, upon receiving it, express myself in terms of strong disapprobation that Mr. Clutton should in that way have gone down to Scotland, and have attempted to back up his own report by a secret visit to Mr. Brown's woods unknown to him; and did I not on that account decide that it was a paper altogether apart from the subject in discussion, and did I not decide upon ignoring it and not receiving it as an official document?—Yes, certainly; you thought that Mr. Clutton in giving an official character to his visit to Arniston had acted with indiscretion, and you were further desirous of preventing an official proceeding degenerating into anything like a personal altercation.

1478. Therefore it was upon the ground, was it not, that it was entirely foreign to the matter in discussion, and an act taken of Mr. Clutton's own accord, altogether unknown to the Treasury, that I decided that it ought not to enter into the official correspondence?—Yes.

1479. And therefore it was rejected, and sent back to Mr. Kennedy with an expression of that opinion?—It was.

1480. And when the papers came to be prepared to be presented to Parliament, that particular paper not having been received and made an official record to the Treasury, it could not be included?—That was the opinion formed when the list of papers, which Mr. Kennedy proposed to have printed in answer to the return, was submitted by him; but at the same time there was no positive rejection of the paper, and I think that if Mr. Kennedy had intimated to you any desire that it should be presented, his wishes would have been acceded to.

1481. When Mr. Kennedy produced the list of papers which he thought ought to be presented to Parliament, did you not bring them to me, marking those strictly official and marking those not official; and I stated, did I not, that we ought to confine the return as strictly as possible to what Parliament had called for, and that it was not our place to volunteer papers for which Parliament had not called?—Yes; you required the clerk of the Parliamentary Returns to bring the paper to me to read over with that view, and I found in it a great deal of irrelevant matter which was struck out. I remember marking crosses against the papers which I thought ought not to be presented, and the papers with these marks were afterwards taken over to Mr. Kennedy, and I was under the impression that he concurred in the exclusion of those papers.

1482. That return was dealt with in the same way as every other return of papers is. The same office, that is, the Parliamentary Office of the Treasury, got together the papers required for the return, and the return was dealt with in the ordinary way, without any particular circumstances?—Certainly; I may add that my impression, and I think yours was, that the publication of this report, so far from having been suppressed with a view of favouring Mr. Clutton, was

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suppressed because it was thought that it might have the appearance of making out a case against Mr. Brown.

1483. Was that the very ground which I stated, in the first instance, for ignoring and rejecting it?—Certainly.

1484. Mr. *V. Smith.*] You stated that Mr. Kennedy appointed Mr. Brown without authority from the Treasury; do you mean to attach blame to Mr. Kennedy for appointing him without the authority of the Treasury?—I think it was an irregular proceeding.

1485. You think that he ought to have consulted the Treasury upon every appointment that he made?—Certainly.

1486. That is your view of the Act under which his office is constituted?—Certainly; that was the course which had been pursued upon all former occasions.

1487. What appointment did he give Mr. Brown?—He gave him no appointment; he directed Mr. Brown to visit those forests, and report upon them.

1488. Out of what funds was Mr. Brown paid?—He was paid out of the forest funds.

1489. By the Treasury?—Our attention was first officially drawn to the circumstance by the charges for Mr. Brown's expenses being included in the monthly returns to the Treasury.

1490. Did the Treasury then remonstrate with Mr. Kennedy for having appointed him without their authority?—They did.

1491. How long after his employment was that?—Just a year after his first employment on Chopwell Woods, in April 1852. His more important employment on a general inspection of the Royal Forests commenced under Mr. Kennedy's instructions of 28th June 1852. Of these the Treasury was not apprised until the 27th November 1852. The question of the payment of Mr. Brown for these services were not brought under the consideration of the Treasury by Mr. Kennedy until the 26th February 1853.

1492. With regard to this postscript, you have had very considerable experience in the preparation of papers for Parliament, have not you?—It is not in my department.

1493. But you have frequently prepared papers for Parliament?—I have occasionally superintended the preparation of them.

1494. When papers are moved for by some Member, and sent to the Treasury, if they are moved for without a statement that they are copies or extracts, do you not usually furnish them entire?—Certainly, as far as we can judge from the wording of the motion. A discretion is necessarily exercised; because the motions are made by gentlemen who aim at one particular thing, and the words of their motion would sometimes take a much wider range than was intended.

1495. Although this postscript might not strictly apply to the management of the forest, do not you think that it threw some light upon the character and proceedings of Mr. Clutton?—I think it showed that Mr. Clutton, at that time, had taken up the matter with rather a personal feeling.

1496. You are probably aware that at some period, or at the close of these transactions, there was a Minute of the Treasury, stating that these transactions involved the veracity, honour, and integrity of the parties concerned?—Those expressions were confined to the charge against Mr. Higinbothom; to the controversy between Mr. Higinbothom and Mr. Brown, and the charges brought by Mr. Kennedy against Mr. Higinbothom.

1497. Is there no mention of Mr. Clutton in that Minute?—Not the least.

1498. Mr. *Wilson.*] Were not those expressions used at first by Mr. Kennedy, and adopted only from Mr. Kennedy's own letter by the Treasury?—Yes.

1499. Mr. *V. Smith.*] In questions which, of course, involved the personal character so much of the persons concerned, do not you think it was important to give to the public that postscript of Mr. Clutton's, detailing a transaction which the Honourable Member who has just been examining you states that he himself and all other persons disapproved of?—I think the Right Honourable Member is mixing up expressions which do not in the least apply to anything that passed in Dean Forest; there was nothing in Dean Forest which raised any personal question of character. All the points there turned upon questions of management, and I cannot call to mind any single expression in which personal character was impugned in regard to that forest.

1500. Does

1500. Does not the whole transaction involve the charge and counter-charge of the persons concerned, both as to their management, and as to their discretion; are they not full, to a certain extent, of personal recriminations upon either side?—I think, excepting in the case of Alice Holt, and Bere and Parkhurst Forests, there were no questions of personal honour concerned.

1501. Mr. *Wilson.*] Or veracity?—Or veracity.

1502. Mr. *V. Smith.*] There were a good many questions involving personal character?—Professional reputation.

1503. It comes within the limit of involving the reputation of the persons concerned, professional or personal?—There was no direct controversy between Mr. Clutton and Mr. Brown; Mr. Brown seemed to imply that Mr. Clutton was very far behindhand in his knowledge of forest matters; and Mr. Clutton very naturally defended his professional reputation.

1504. Then we come to this: that there was an attack, a charge, and indignation; surely you may call those personal matters, and such as would necessarily make it expedient to show to the public all that occurred between those two persons?—In Mr. Clutton's first report upon Dean Forest I think there were some expressions which showed a little feeling of indignation, and I think that the main object of ignoring this postscript was to put a stop to that.

1505. So far as that transaction was concerned between them, that may be so; but there is a difference between putting a stop to that, as far as the officers were concerned, and giving the public information upon it. When Parliament called for the returns, do not you think that the perusal of that postscript to persons who read the reports would produce a different effect upon their minds with regard to the value of Mr. Clutton's report, to what the perusal of the documents would without it?—It certainly did not strike me in that light; the question never was raised by Mr. Kennedy, and if he had expressed any opinion upon the subject I have no doubt it would have been reconsidered.

1506. If that struck you and the Secretary of the Treasury as a very objectionable proceeding upon the part of Mr. Clutton, surely it would have struck others who read the correspondence in the same light?—It might; but, at the same time, I did not consider it a personal question, and it did not enter into my head that the question of the reports upon Dean Forest had degenerated into a personal controversy between Mr. Brown and Mr. Clutton. I may add, that greater importance has been given to this visit by Mr. Clutton to Arniston than the Treasury attached to it at the time. It was thought better to put a stop to an unauthorised course of proceeding, but it was never looked upon as a matter affecting Mr. Clutton's character for fair dealing.

1507. From your experience of the production of papers to Parliament, do you consider it the usual course, or has it been a course frequently adopted, to omit such a paper as that from papers moved for by a Member of Parliament?—I do not think it came strictly within the terms of the motion.

1508. Was that always your opinion?—I thought it was questionable, and I have a perfect recollection when the paper was brought to me, I wrote a pencil memorandum on the corner. I do not recollect the words I used, but the intention of the memorandum was, that I should ask Mr. Wilson whether the correspondence came within the terms of the motion or not.

1509. Do you recollect whether the memorandum went to the length of recommending that the paper should be produced, or did it merely express a doubt as to its production?—Yes; I do not think that my memorandum expressed any positive opinion upon it.

1510. Have you that memorandum?—The paper was returned to Mr. Kennedy and it has left the Treasury. I do not know whether the memorandum exists. I have been thinking over the matter, and I referred to the clerk of the Parliamentary Returns, and I have asked him his impression of it; and he perfectly remembered my having written something, which was subsequently discussed with Mr. Wilson.

1511. You are are quite clear you expressed a doubt, and that doubt was not acted upon?—I am quite clear that I entertained a doubt. It is possible that the expressions I used may have indicated an opinion that the papers should be presented, but I should not have made a note on the subject at all if I had thought it free from doubt. I had at the time overlooked the fact that Mr. Clutton's postscript was referred to in one of Mr. Brown's reports; I was under

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the impression that it had not been communicated to him, and really the only question at the Treasury was whether it was fair to Mr. Brown to publish it to the world after the Board had decided that it should be ignored.

1512. Mr. *Wilson.*] Do you remember when that paper was brought to me by you and Mr. Shelley, the clerk of the Parliamentary papers; and in the long list of papers there were some marked as, in your opinion, not belonging to the reference, and was there any special attention called to that paper any more than the others; was it not dealt with as a whole?—I should think there were at least two pages of papers that were struck out, and this was dealt with as a whole.

1513. A great deal of which consisted of private correspondence with the Chancellor of the Exchequer and other persons?—A great deal, some of it consisted of correspondence relating to the great bark bar question in Dean Forest.

1514. The general list of papers was dealt with as any other paper would be, and that one was dealt with in the same way as all the others?—It was.

1515. The decision was that those papers marked, did not come under the order of reference to the House of Commons, and they were struck out?—They were struck out. I recollect your instructions were to go over with the documents to Mr. Kennedy, and ask him whether he had any objection to the documents being struck out.

1516. Mr. Shelley was instructed to go to Mr. Kennedy, and ask him whether he had any objection to the omission?—Yes.

1517. Did you ever hear any objection raised?—I heard nothing more of it.

1518. And the paper went forward and was presented to Parliament?—Yes.

1519. Mr. *Tollemache.*] Had Mr. Kennedy expressed a wish that the postscript should be added, it would have been added?—I have no authority to say so, but I have no doubt of it.

1520. Did he not express a wish that it should be entered?—Not that I am aware of. I never heard anything more after Mr. Shelley went to him.

1521. Mr. *Wilson.*] Further than that he included it, in the first place, with a list of papers to be presented to the House of Commons?—Yes.

1522. In reference to Mr. Clutton, Mr. Kennedy stated that one case in which Mr. Clutton's opinion had been taken in preference to his, and overruled his views, was with regard to the disposition of Hainault Forest after it was disafforested; will you state to the Committee the ground upon which the Treasury acted in that case?—When the duties of the office were divided between the two Commissioners of Woods, a general rule was adopted, that Mr. Gore was to have all the land revenues and Mr. Kennedy all the forests; there was a distinct line of demarcation between agricultural property and forest property. The only exception was the case of Windsor, which was assigned to Mr. Gore, which was a peculiar case. The warrant which assigned the separate duties was drawn up upon a report of the Commissioners of Woods, when Lord Seymour was chairman. The order of assignment specified the forests which were to be assigned to Mr. Kennedy, and certain allotments which had been already made, and which were used as plantations, but it expressly excepted all future allotments; those were left subject to consideration, according to the purpose to which the allotment might be appropriated after the forest might be disafforested; so that the moment that the Crown allotment at Hainault was made Mr. Kennedy ceased to have any control over it; he had no authority to carry into effect any one of the propositions which he contemplated; he could not have granted leases, he could have done nothing. I conceive it was his duty to have brought the subject under the consideration of the Treasury; but I suppose he had forgotten or omitted the exception in the warrant of assignment, and he did not bring it under the notice Treasury; and the question of the management of the property of Hainault was first raised in consequence of a report from Mr. Gore, asking whether it was to be included or excluded from Mr. Clutton's district. Mr. Clutton had shortly before been appointed receiver of Crown rents over an extensive district, including the county of Essex; and the question regarding the assignment of the duties appertaining to Hainault was first raised with reference to the question whether it was to be taken away, in fact, from Mr. Clutton, or left under his charge.

charge. It was decided by the Treasury upon the broad principle, that as it was not to be continued as a forest it came within the management of Mr. Gore; and I conceive it is obvious, that if it had been left to Mr. Kennedy, either he must have had a separate receiver for a small district, or Mr. Clutton would have two masters.

1523. The reason why Hainault was removed from the charge of Mr. Kennedy to Mr. Gore, was in consequence of its being disafforested and thrown into arable land, which came then strictly under the principle of assignment to Mr. Gore?—Yes.

1524. In other cases, where disafforesting takes place, if the land was to be replanted and continued as forests, they would remain necessarily, by the same rule, under the care of Mr. Kennedy?—I presume they would.

1525. If they are to be replanted they would continue necessarily by the arrangement under the care of Mr. Kennedy?—If the principle of arrangement had been adhered to.

1526. Which arrangement had been made, and was then in operation?—Yes.

1527. The allotments of Hainault being made, the ordinary arable farms became assigned to Mr. Gore?—According to the principle upon which the division of duties had been first made.

1528. And it was placed in the collection of Mr. Clutton, because it was a small plot of ground in the very centre of his other collection?—It fell entirely under his direction, because it was included in his district of receipts; and if it had been proposed to have taken it out of his district, it could only have been done by a special act, excepting it from his district.

1529. According to this answer, it is stated to have been in consequence of the influence which Mr. Clutton had obtained at the Treasury, that he overruled the wishes of Mr. Kennedy; had Mr. Clutton's wishes or views anything to do with that decision?—He was never consulted upon the subject.

1530. He was never seen or communicated with?—Never.

1531. It was simply a question between the Commissioners of Woods as to the division of the duties?—Simply.

1532. A statement has been made with reference to the supension of Mr. Cumberbatch from his office some time last winter, and I think it is stated in answer to Question 1079: "What case was that?—That was the case of Mr. Cumberbatch, in the New Forest; he positively refused to give me information upon a certain point. I suspended him from his office for six days, and I intimated to him, in my last letter, that if I did not receive an answer from him by the next post, I should dismiss him." "Did you make that communication to the Treasury?—Undoubtedly." "Did you receive a full approval of the course you had pursued?—I received an approval unquestionably, but not a very gracious one; it was stated that they saw no reason to disapprove of what I had done." Will you state to the Committee the communication made to the Treasury, the Treasury's answer, and the circumstances out of which it arose?—It arose from the letting of New Park Farm, which is situated in the New Forest; it had been let for the first time, and an arrangement was to be made with the tenant to take the stock upon a valuation. Mr. Cumberbatch and another surveyor, Mr. Ross, who was appointed on the part of the lessee, were directed to make a valuation. They returned the valuation upon a stamped paper, in the usual form; and Mr. Kennedy wanted further particulars, returned this document to Mr. Cumberbatch, and desired him to mark in the margin the particular prices at which each article, or cattle, or whatever there might be, was valued. Mr. Cumberbatch, in rather blunt terms, declined to comply with this, and the correspondence to which Mr. Kennedy refers then ensued. When the subject was brought under the consideration of the Treasury, it appeared to them that Mr. Kennedy was not strictly correct in the way in which he had called for the information, because Mr. Cumberbatch could not make any specific return of the valuation, and give any details of it, without the concurrence of his co-valuator; but, on the other hand, he was not at all justified in refusing Mr. Kennedy's requirements in the terms in which he did, and this is the answer which was returned to Mr. Kennedy on the subject: "The Lords Commissioners of Her Majesty's Treasury have had before them your letter of the 12th instant, stating that you had felt it your duty to supend Mr. Cumberbatch, the Deputy Surveyor of New Forest, from his office, for refusing to furnish the details of a

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valuation made by him and Mr. Ross of the stock and crop on the New Park Farm, recently let to Mr. Dickinson. In reply, I am to acquaint you that my Lords are of opinion that you were entitled to require confidentially from Mr. Cumberbatch, as an officer of the Crown serving under you, information regarding the principles on which had himself arrived at the conclusion that 650 *l.* 6 *s.* 4 *d.* was a fair amount to be paid by the incoming tenant; although there may have been objections to stating the items in detail, in the margin of the stamped paper containing the valuation made by himself and Mr. Ross, that being the document which would be delivered to Mr. Dickinson, on completion of the purchase, as the joint award of the valuators. My Lords, therefore, regret that he should have replied to your requisition in terms which amount to a positive refusal to furnish any information on the subject, and they have no reason to question your exercise of the power which is vested in you, of suspending the officer from his employment."

1533. That is the reply which Mr. Kennedy calls not a very gracious one?—Yes.

1534. The truth was, we felt very strongly that Mr. Cumberbatch had neglected his duty in not furnishing a confidential communication to Mr. Kennedy; but that Mr. Kennedy had committed an error in asking him to mark the items upon the stamped paper, which was a document to be delivered to the tenant as the amount of the valuation?—It was so, and the Treasury, I apprehend, felt some difficulty in conveying that impression to Mr. Kennedy without showing any leaning towards the officer who had acted with indiscretion.

1535. Something has been said in this evidence with regard to the interference by the Treasury to prevent Mr. Kennedy from felling timber in the New Forest in the way in which he had proposed to do; and it is inferred from the questions, that Mr. Clutton's influence had prevailed with them in controlling Mr. Kennedy in this last winter. In Question 1083, Mr. Kennedy is asked, "Can you state any one instance where the authority or opinion of Mr. Clutton has been adopted in contradiction to your own; where any act has been performed by the Treasury at the suggestion of Mr. Clutton, and in contradiction to your own?—I imagine there are a good many, but as to calling up those things on the instant it is not easy to do so; there is one which is very recent, about felling timber in the New Forest; that felling has been restrained very much, because Mr. Clutton very much disapproved of it, and I thought it ought to be proceeded with." Do you remember the circumstance under which Mr. Kennedy sent in his ordinary information, requiring the Queen's warrant for cutting timber in the New Forest in the spring of the present year?—Yes.

1536. Do you remember that the quantity which he proposed to cut was very much larger than we had been led to believe could be obtained from the forest, without involving what had been considered and decided upon as a very disadvantageous mode of cutting that timber?—The Treasury, adverting to the large quantity of timber which was proposed to be felled in the New Forest, and having previously given Mr. Kennedy a caution on the subject, thought it right to direct an inquiry with the view of ascertaining whether he had attended to that caution or not.

1537. Was it not in a letter from the Treasury, about the month of last September or October, in consequence of the united opinion of Mr. Brown and Mr. Clutton upon the mode of cutting timber, that the Treasury thought it necessary to call Mr. Kennedy's attention specifically to the particular mode in which timber had been cut, and to caution him against pressing the same mode in future years?—It was. There had been a practice, until about two years previously to 1849, when the inquiries about the forest took place, of selecting timber for the navy in the New Forest wherever it could be found, cutting it indiscriminately. Mr. Clutton, when he was employed to survey the forest, condemned this practice as being injurious to the forest, and upon his recommendation the course was adopted of clearing areas with a view to replanting them as the timber was felled, and raising a succession of crops; this practice had been followed by the late Board of Woods up to the period of Mr. Kennedy's appointment. Upon his assumption of his duties he reverted to the old practice. Mr. Brown, when he was sent down to survey the forest, made some observations strongly condemning the system which had been followed, without apparently knowing that it was done by Mr. Kennedy's direction; and Mr. Clutton, when

Mr.

Mr. Brown's report was referred to him, entirely concurred in Mr. Brown's views upon the subject, which was one of the few points upon which they did concur.

1538. In consequence of that concurrence, the Treasury thought it necessary to call Mr. Kennedy's attention to that as a future guide to him, as both parties concurred in that recommendation?—They did. Mr. Brown, in a further report, to a certain extent qualified his former opinion, by saying that he had offered the suggestion upon principles of forest management, without reference to the question of supplying the navy, which was one he did not conceive, as a forester, he had anything to do with.

1539. Therefore he qualified his opinion, so far as to separate the necessities of the navy for obtaining timber from the mere question of forest management? —Yes.

1540. When we found, in the spring of the present year, that Mr. Kennedy was pursuing the same course that he had done in the two previous years, which we considered so objectionable, a communication was made to Mr. Kennedy, referring him to the communication which had been addressed to him in October or September in the last year upon the subject, and requiring to know whether he intended to persevere in the plan he was adopting?—The first communication was an inquiry addressed to Mr. Kennedy as to whether, adverting to the large quantity of timber proposed to be felled, he had attended to those instructions or not; his reply was that he conceived he was absolved from those instructions by a subsequent letter from the Treasury, which left the matter to his discretion. In support of that opinion he gave an extract from a part of a sentence of a Treasury letter, omitting the words which specially referred to it.

1541. Specially referred to this particular question?—Specially referred to this particular question. Upon the receipt of our first caution on the subject, he had asked the Treasury to frame instructions for the surveyor, in regard to the mode in which timber should be felled. A Treasury Minute was passed to the effect that it was not for the Treasury to frame instructions for the surveyors; but that they had felt it their duty to caution him upon one subject, and subject to that point he was to exercise his own discretion upon the matter. In his letter to the Treasury he quoted the words which left the matter to his discretion, omitting the words, "subject to that point."

1542. *Chairman.*] Will you deliver in the correspondence upon that subject? —Yes.

[*The same was delivered in, and is as follows:*]

EXTRACT from a REPORT of the Right Honourable *T. F. Kennedy* to the Lords Commissioners of Her Majesty's Treasury.

My Lords, Office of Woods, &c., 11 April 1854.

I BEG leave to annex a tabular statement of the timber which it is proposed should be felled in certain of the Royal Forests during the immediately coming season, and have to request that, in conformity with the same, I may be furnished with a warrant under Her Majesty's sign manual, authorising the felling of the trees contained in the abstract annexed, and with an authority for allowing the Purveyor of the Navy to select therefrom all such timber as shall be deemed fit for the service of the Royal Navy, and for disposing of the remainder, together with the bark, &c., for the benefit of the Crown; reserving such portions and kinds of the remainder as may be required for the necessary works and repairs which shall be authorised to be executed within the respective forests.

Sir, Treasury Chambers, 18 April 1854.

THE Lords Commissioners of Her Majesty's Treasury, having had under their consideration your report of the 11th instant, transmitting an abstract of trees to be felled for the service of the navy, and for sale and for repairs, and requesting Her Majesty's sign manual for felling the same, I am directed by their Lordships to acquaint you that my Lords approve of your decision with respect to the supply of timber which had been contemplated from Whittlewood and Wychwood Forests.

I have to observe, that although it is desirable that the immediate requirements of the navy should be consulted in the arrangements for felling timber in the Royal forests, that consideration must necessarily be subordinate to the more important one of maintaining the property of the Crown, with a view to a development of its resources during an extended series of years; and before my Lords submit a warrant to Her Majesty for felling the timber comprised in the schedule of your letter, they wish to be informed, with reference to Sir Charles Trevelyan's letter of the 13th September last, on the subject of the observations of

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Mr. Clutton, in which Mr. Brown also concurred, upon the system which had recently been followed in felling timber in the New Forest, whether the selection now proposed has been made on the principles recommended by those gentlemen, and also with a due regard to the suggestions contained in the first part of Mr. Clutton's report of the 16th August last.

I am, &c.

The Right Hon. T. F. Kennedy. (signed) *C. E. Trevelyan.*

My Lords, Office of Woods, 18 April 1854.

I HASTEN to acknowledge the receipt of Sir Charles Trevelyan's letter of the 18th of April, written by command of your Lordships, in reference to my report of the 11th instant, requesting to be furnished with Her Majesty's sign manual warrant for felling timber in the Royal forests, during the present season, and acquainting me that your Lordships approve of the course I have taken in suspending the felling of timber in Wychwood and Whittlewood Forests.

Your Lordships also request, before submitting a warrant to Her Majesty for her sign manual, to be furnished with certain explanations, as specified in Sir Charles Trevelyan's letter.

In reply, I beg leave to observe, with reference to your Lordships' letter of the 13th September last, that I, on the 15th November, submitted to your Lordships an elaborate report on the subject of the selection of timber in the New Forest, in which I requested to receive your Lordships' special instructions on that subject; and your Lordships were pleased to make a reply to that letter on the 18th of November, in the conclusion of which your Lordships are pleased to state, that beyond calling my attention to the reports of Mr. Brown and Mr. Clutton, your Lordships do not wish it to be understood that they desire to interfere with your discretion in relation to the timber to be felled for the navy in the coming year.

In these circumstances, and in the absence of special instructions, with which I requested to be furnished by your Lordships, at such early period as should enable me to act upon them, I felt that I had no course left but to exercise my discretion to the best of my ability; and accordingly, on the fullest consideration which I could give to the subject, as a part of the general management of the New Forest for the year, I directed two letters to be addressed to the deputy surveyor of the New Forest, on the 16th and 28th of January respectively, of which I annex copies for your Lordships' information.

In reply to your Lordships' inquiry, I have to state, that I did not fail to give my attention to the contents of Mr. Clutton's report of the 16th of August last, but I also gave my attention to Mr. Brown's report in reply, dated 5th November 1853, from which it appeared that Mr. Brown by no means concurred in Mr. Clutton's views as to felling timber in the New Forest. Neither did I myself concur in his views; and in making an arrangement for the present year, I felt myself compelled to depart also in some respects from the views of Mr. Brown, because he was not cognisant of all the facts and circumstances connected with the enclosures under the Commission of 1851, and the prospective working of the Deer Removal Act, in reference to the 10,000 acres eventually to be inclosed under that Act. In issuing my instructions to the deputy surveyor, I steered the best course I could amid the many difficulties of the subject; desiring to produce from the forest such a supply of timber as the Admiralty wished to receive, and a net income for the Exchequer somewhat commensurate with such a possession as the New Forest, and necessarily founded on a considerable supply of timber for the Royal Navy. I have no apprehension whatever that the fall of timber for the present year will be at all injurious to the permanent interests of the forest.

But it is indispensable that I should acquaint your Lordships that, according to the inevitable and invariable practic of past years, under similar circumstances, I have been compelled recently to issue a quasi-authority to the deputy surveyors, to commence the felling of the timber. I am fully aware of the irregularity of this step, but it has been an irregularity impossible to be avoided in past years, and still more so in the present, owing to the peculiarity of the season, and the necessity of commencing to strip oak trees two or three weeks earlier that is usual. It was impracticable at an earlier period to procure the detailed information from the forests, on which to found the application for Her Majesty's sign manual warrant, and it has been equally impossible to delay (unless it were to be abandoned for the year) the commencement of the felling of the timber; and serious as the responsibility is of anticipating Her Majesty's warrant, I felt that I had no course but to incur such responsibility; and in the years 1850, 1851 and 1853, the same course was followed from the same necessity, although the necessity in the present year has been the more imperative, owing to the singularly advanced state of the season.

In the present year I have received urgent representations from the deputy surveyors, stating the necessity of at once proceeding to fell. I informed them of the irregularity of giving any authority; but under the necessity, which appeared to me to leave me no choice, I replied that I should not object to their proceeding to fell, relying on the covering authothority of Her Majesty's warrant, which in past years had always been transmitted without objection. Unquestionably a loose practice had existed on this subject, which I have been desirous to render as little irregular as possible, but it has been impossible to give to the arrangements strict regularity. I may mention that, so loose had been the practice in former

former years, that Mr. Machen, in 1853, commenced stripping without any authority whatever; acting on the necessity of the case, and the great exertion which is necessary to take advantage of the time during which the sap rises in the trees. He commenced stripping towards the close of April, and Her Majesty's warrant bore date the 16th of May following. I do not make this statement as matter of blame, but as showing the great difficulty of reconciling certain practical operations in the country with strict official rule; thinking it, however, of the utmost importance, to deviate from regularity to the least possible extent.

I have, &c.
(signed) *T. F. Kennedy.*

The Right Honourable
The Lords Commissioners of Her Majesty's Treasury.

Sir, Office of Woods, &c., 16th January 1854.

I AM commanded by the Commissioner in charge of Her Majesty's Woods and Forests, to acknowledge the receipt of your letter of the 31st of December, in reply to the Commissioner's letters of the 29th, No. 1320, in relation to general arrangements in the New Forest.

The Commissioner would have been glad if he could have issued at the present time general instructions for the coming year, which were entirely satisfactory to himself, but under existing circumstances it is not in his power to do so, and therefore he can only issue such instructions as shall render it possible to carry forward the affairs of the forest for the present, in a manner as little objectionable as may be, and as little as possible to interfere or conflict with future arrangements of a more satisfactory character, when he shall be enabled to make them.

It is necessary that you should now proceed to frame an estimate for the year, to commence on the 1st April 1854, and to terminate on the 31st of March 1855; and in order to enable you so to do, the Commissioner must now convey to you a statement of his intentions on certain general subjects of importance, on which must necessarily be founded the subordinate arrangements to be made.

1. In the estimate for the current year, there was set aside a sum of 4,000 *l.* for works to be undertaken; and this sum has been reserved, and is still available for works which may be resolved on and undertaken; such as the buildings and drainage at New Park, the formation of new nurseries in the forest, or whatever else may be decided on, of the character of the expenditure of capital derived from income. In like manner, for the year to commence on the 1st of April next, the Commissioner has to direct that in the estimate to be framed, you will set aside for new works of a similar character, to be afterwards specified, a sum of 3,000 *l.*; and with this instruction there is provided a fund of 7,000 *l.* for important works which may be prospectively resolved on.

2. It is not the present intention of the Commissioner that in the year to be estimated there shall be any expenditure on enclosing, draining, or planting; and as there has been no planting in the current year, so that there shall be no planting in the coming year. He is anxious to avoid enclosure until other important matters may be decided. In the estimate, therefore, there is to be no expenditure reckoned under the head of enclosing, draining, and planting any part of the 1,621 A. 3 R. 9 P. which remain to be enclosed, forming part of the 4,051 A. 0 R. 24 P., authorised to be enclosed by the Commission of 1851.

3. It is necessary that a considerable quantity of wood should be obtained for sale and repairs; and with a view to meet this supply the Commissioner is of opinion that whatever remains standing on the areas enclosed in 1851–2, and 1852–3, extending to 2,429 A. 1 R. 15 P., should, in the first instance, be cleared to meet the demands for sale and repair, so far as it will go. The Commissioner is further of opinion, that still further to meet this demand (and there is no necessity for the whole quantity being sold within the year, if it should not meet with a ready market), a clearance should be made on those areas which you recommend as next for drainage and plantation: viz.,

	A.	R.	P.
Shave Green	246	0	15
Pound Hill, in Rinefield Walk	235	2	6
Denny Lodge Enclosure, in Denny Walk	279	3	0
Amounting to Acres	761	1	21

And if the total quantities which they would yield are excessive, one or other of these areas might be omitted. Thus far as regards a supply of timber and wood of all kinds for sale and repairs.

4. As regards the supply of timber for the Royal Navy, the Commissioner is not yet in a position to issue final instructions on this subject; he is in communication with the

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Admiralty in reference to their wishes, and it will be his duty to meet those wishes, so far as may be reasonably practicable, when they shall be communicated to him. In the meantime he has to desire that you will proceed on the supposition that the supply of navy timber will not be less than 1,000 loads of accepted timber of the first quality; and if the Admiralty shall be desirous to receive a larger quantity, the Commissioner will acquaint you at the earliest moment in his power. But in the meantime you will proceed to select trees calculated to produce 1,000 loads of unexceptionable timber, and before you can have completed such selection, the Commissioner will have it in his power to issue to you final instructions, which are contingent upon the wishes and decision of the Admiralty.

In selecting the timber for the navy, whether the 1,000 loads or a greater quantity, the Commissioner has to state, as general rules to be observed, that the soundest trees which are of mature age should be selected for naval purposes, those which are defective, or of insufficient size, not being chosen for the navy; so that, acting on this principle, there should be the smallest possible quantity of rejected timber, arising out of the timber which is specially fitted for naval purposes. The Commissioner must consider that no considerable difficulty can be experienced by persons conversant with forest affairs in detecting in any tree, while standing, any material defect as shown outwardly by some visible circumstance, or some peculiarity on the surface of the stem; and he is therefore of opinion that it should be possible to reduce to a small relative proportion the quantity of timber to be rejected by the surveyor to that which is to be accepted.

With these general instructions, the Commissioner has to desire that an estimate may be prepared on the basis of the particulars above stated, and among them of 1,000 loads of timber for the Royal Navy; and he hopes that a skeleton of such an estimate may be framed in a very short time, subject to future amendment, and without waiting for the detailed selection of the trees for the navy, which must be a work of time; but which no doubt should be proceeded with, with all despatch, in order that the details to be inserted in Her Majesty's sign manual warrant may be had as early in the season as possible. When the Commissioner shall have seen such a skeleton estimate as he now calls for, it will be in his power to modify it in any manner which may appear to be called for on more mature consideration.

In reference to the large quantities of timber and wood of various descriptions which must necessarily be felled in coming years, in the New Forest, for the clearance of spaces to be planted eventually under the Commission of 1851, and under the Deer Removal Act; and in reference to the great disadvantage of no means existing in the forest of altering its condition from the roughest state in which it is felled, the Commissioner is desirous to receive a statement of your opinion of the advantages likely to arise, if a locomotive saw-mill of considerable power were to be introduced into the forest, to be worked by steam; not with the view of timber being converted on behalf of the Crown, but upon the principle of sawing-power being put in the power of purchasers on some equitable principle of payment, which should merely repay a per centage on the cost of the machinery provided; the advantage to the Crown to be realised in the shape of an eventually enhanced price to be given by purchasers for the rough timber. The Commissioner himself entertains a decided opinion on this subject, founded on experience and knowledge of extensive arrangements in other parts of the kingdom; but he is desirous to receive, not in any very elaborate or laborious shape, a statement of the opinions which you are disposed to entertain on this subject.

There is another object to which the Commissioner is desirous to direct your attention, and to receive such statement of your opinion as you may feel yourself to be warranted in making; but as the subject is probably a new one to you, he can well understand that you may not be prepared to make a very positive statement. Still he thinks that you may be able to form a pretty correct opinion, as you will probably find that it must depend materially upon a single point for your consideration.

The subject consists of the possibility of establishing an advantageous source of demand for refuse timber of all kinds (except of the fir tribes) which, as regards the New Forest, necessarily consist of refuse oak and beech, and which are the best kinds for the purpose contemplated.

The Commissioner has an accurate knowledge of the great advantage which has been derived in various parts of Scotland from the establishment of works for the distillation of refuse wood, and the preparation of various products for manufacturing purposes, for which there is an extensive demand. At such works the consumption of refuse wood is very large, and the price which the conductors of such works give for refuse wood of the proper kinds is 10 *s.* per ton of 20 cwt., delivered at the works. The practical question which arises with reference to the New Forest, is, whether if a manufactory of this kind were established in the New Forest, and if 2,000, 3,000, 4,000 or 5,000 tons of refuse wood were consumed at it annually at 10 *s.* a ton, it would or would not be an advantageous concern for the affairs of the forest; either in addition to the refuse wood sold in all other ways, or in substitution for part of the refuse wood now sold for other purposes, if at a lower price than 10 *s.* per ton. It is to be borne in mind that the works required might be erected on lease at the expense of the party proposing to conduct them; in that event, there

there would be no outlay of capital on the part of the Crown, but the simple extension of the market for refuse wood at a stated price per ton. The Commissioner will be glad to receive such general opinion as you may be able to give on this subject.

G. Arbuthnot, Esq.

4 July 1854.

I am, &c.

L. H. Cumberbatch, Esq. (signed) *William Ash.*

Sir, Office of Woods, &c., 28 January 1854.

I am commanded by the Commissioner in charge of Her Majesty's Woods and Forests, to advert to his letter to you on the 16th of January, conveying to you certain instructions relating to the New Forest, during the coming year; and in the 4th section of that letter, as regarded the supply of timber for the Royal Navy, the Commissioner directed you to include in your estimate for the year 1,000 loads of accepted timber of the first quality, for the Royal Navy; and informed you that if the Admiralty were desirous of receiving a larger quantity, he would acquaint you at the earliest moment in his power.

I am now directed to acquaint you that the Lords Commissioners of the Admiralty have intimated to the Commissioner their desire to receive not less than a specified quantity of timber for the service of the Royal Navy, from the fall of the year 1854, the produce of the several forests which will supply timber during that year; and that it is necessary that of the aggregate quantity to be supplied the New Forest should furnish 1,500 loads of timber, such as the Purveyor can accept; and the Lords of the Admiralty further intimate their desire that, if practicable, a proportion of not less than one-sixth part of these 1,500 loads shall consist of thick-stuff. I am, therefore, to desire that you will include in your estimate 1,500 loads of accepted timber, and that every possible pains shall be taken to comply with the desire of the Admiralty that one-sixth part of such 1,500 loads shall consist of thick-stuff.

You are now enabled, by these additional instructions, to complete your skeleton estimate for the New Forest, for the year to commence on the 1st April 1854; and the Commissioner requests to be furnished with it with the least possible delay, when it will be considered and finally adjusted.

You will proceed with all despatch to select the timber for the Royal Navy, and the Commissioner wishes to be informed of the time at which you think it will be possible to transmit the necessary specification of the whole timber to be felled, in order to be included in Her Majesty's sign manual warrant, great inconvenience having arisen in past years from the late period at which this information has been received.

I am, &c.

L. H. Cumberbatch, Esq. (signed) *G. S. Bedford.*

Sir, Treasury Chambers, 22 April 1854.

The Lords Commissioners of Her Majesty's Treasury have had under their consideration your further report of the 18th instant, on the subject of felling timber during the present season, principally for the use of the Royal Navy. I am commanded by their Lordships to state, that in the quotation you have made from their Lordships' letter of the 18th November last, you have not included the whole sentence, the omission of a part altering its meaning entirely. It is as follows: "Beyond this point, my Lords do not wish it to be understood that they interfere with your discretion in relation to the timber to be felled for the Navy in the ensuing year."

The point referred to was the mode of selection which had been adverted to by Mr. Brown and Mr. Clutton; and the obvious meaning of the sentence was, that my Lords having called your attention to the objections to the system which had been recently followed in this respect, wished you to carry out the arrangements for the future supplies for the Navy under the responsibility which attaches to you, but subject to that caution. My Lords regret to find that, by your present communication, you have altogether disregarded the caution in question, and that the selection of timber for the Navy from the New Forest during the present year has been made on a system which has been condemned by high authority as prejudicial to the permanent interests of the forests. No doubt such a system may produce apparently large receipts at the present time; but it is obvious that these can only be obtained not only by proportionally diminishing the income of future years, but also by reducing the value of certain qualities of inferior timber, the supply of which must become greatly in excess, and it must also prevent the clearance and replanting of the ground, and thus its profitable occupation; and all these evils are likely to be aggravated by the fact, that Mr. Cumberbatch has been instructed that at least one-sixth of the 1,500 loads of navy timber which he is to pick out of the forest, shall be thick-stuff. My Lords do not find that Mr. Brown, in his report of the 5th November 1853, deviated from the opinion which he had expressed on this subject in his previous report, but confined himself to stating, that his remarks were not intended to the selection of timber for navy purposes. My Lords do not understand how the question of the damage to the plantations, sustained by an improper mode of removing old trees, can be affected by the

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object for which they are felled; and they did not, therefore, consider Mr. Brown's explanation to invalidate his previous opinion, unless he meant that the necessity which the Government might feel of supplying the Navy with oak should override any consideration of forest management as of minor importance. My Lords are under the impression that, in consequence of the course pursued of selecting large quantities of navy timber during the last few years, a quantity of inferior timber, which had been rejected, was kept in the forest last spring, equal to more than 5,000 loads (nearly 5,500), and which was only fit for private sale. My Lords will be glad to know what progress has been made in the sale of this timber. My Lords feel so strongly the prejudicial effects of persevering in the same system of felling trees, that before they can submit the warrant for the Queen's signature, they wish to be informed whether it be yet possible for the Commissioners to alter the arrangements for the present season, or at least to modify them, so far as to limit as much as possible a practice which my Lords deem most objectionable.

I am, &c.
(signed) *J. Wilson.*

P. S.—My Lords request that they may be furnished with a copy of Mr. Cumberbatch's letter of the 31st December, referred to in Mr. Kennedy's letter to him of the 16th of January.

The Right Hon. T. F. Kennedy,
&c. &c. &c.

My Lords, Office of Woods, &c., 10 May 1854.

I HAVE to acknowledge the receipt of Mr. Wilson's letter of the 22d April, further on the subject of felling timber in the present season, principally for the use of the Royal Navy, which letter did not reach me until the 24th of April; but having had a previous intimation of the tenor of your Lordships' wishes on the 22d, I, on that day, as by letter (Appendix 1.) annexed, directed Mr. Cumberbatch to suspend the felling of the timber, and to proceed to London on the 24th, as the most prompt and effectual means of giving effect to your Lordships instructions when they should officially reach me.

Mr. Cumberbatch replied by return of post, as per letter annexed, acquainting me that he had forthwith suspended the further felling of timber, and should be at the Office of Woods, &c., at 12 o'clock on the 24th. I immediately had an interview with Mr. Cumberbatch, and directed him to inform me, to the best of his ability, of the extent to which the timber for the Royal Navy had already been felled, and also the inferior timber for sale and repairs. Mr. Arbuthnot took the trouble to attend at the subsequent part of the interview, and heard the substance of Mr. Cumberbatch's verbal report; which Mr. (Appendix 3.) Cumberbatch afterwards embodied in a written statement, as per letter annexed.

Under all the circumstances of the case, it appeared that the only course possible to be taken by me was to suspend the further felling of the timber for the Royal Navy entirely for the year; but that it was best to proceed with the felling of the timber for sale and repairs, which stood upon ground which ought to be totally cleared, and for which there is every reason to expect that tolerable prices may be had. I accordingly instructed Mr. (Appendix 4.) Cumberbatch verbally to this effect; and embodied in a minute, dated the 24th April, the precise import of my verbal instructions, which I have since transmitted for Mr. Cumberbatch's official authority on the subject. Of this minute, I annex a copy for your Lordships information.

I have also, subsequently, received from Mr. Cumberbatch the enclosed report, founded on an accurate inspection of the trees which were felled previously to the 22d of April, by which your Lordships will perceive that about one-half of the timber proposed to be submitted to the Purveyor of the Navy had been felled previous to the receipt, by Mr. Cumberbatch, of my instructions of the 22d April to suspend the felling thereof; and I now beg leave to transmit herewith an amended return, and to request that I may be furnished with a warrant under Her Majesty's sign manual, authorising the felling of the trees contained therein, and with an authority for allowing the Purveyor of the Navy to select therefrom all such timber as shall be deemed fit for the service of the Royal Navy, and for disposing of the remainder, together with the bark, &c., for the benefit of the Crown, reserving such portions and kinds of the remainder as may be required for the necessary works and repairs which shall be authorised to be executed within the respective forests.

In the conclusion of your Lordships' letter of the 22d April, it is desired that your Lordships may be furnished with a copy of Mr. Cumberbatch's letter of 31st December, referred to in my letter to him of the 16th January last, and there is enclosed a copy of such letter accordingly.

I have, &c.
(signed) *T. F. Kennedy.*

Your Lordships are requested to return Mr. Cumberbatch's letter of the 28th April, with enclosures.

NEW FOREST.

WHERE SITUATED.	Number of Trees.	ESTIMATED CONTENTS.		
		Feet.	*Loads.*	*Feet.*
FOR ROYAL NAVY:				
Denny Walk	377	12,442	248	42
Ashhurst	378	13,135	262	35
Ironshill	363	13,882	277	32
Castlemalwood	326	11,847	236	47
Broomy	72	2,552	51	2
Eyeworth	322	9,539	190	39
TOTAL	1,838	63,397	1,267	47
FOR SALE AND REPAIRS:				
Frame Heath Enclosure, Lady Cross Walk	506	5,187	103	37
Park Hill Enclosure, Whitley Ridge and Denny Walks	3,694	50,178	1,003	28
Park Hill Enclosure, Rinefield Walk	491	11,869	237	19
Park Hill Enclosure, Burley Lodge Fields, in Burley Walk	308	2,096	41	46
Park Hill Enclosure, Ironshill and Castlemalwood Walks	13	135	2	35
TOTAL	5,012	69,465	1,389	15

ALICE HOLT FOREST.

	Number of Trees.	ESTIMATED CONTENTS.		
		Feet.	*Loads.*	*Feet.*
For Sale and Repairs	61 Oak Trees	1,771	35	21
	39 Lime Trees	996	19	46
	41 Beech Trees	600	12	0
	21 Larch Trees	499	9	49
	24 Spruce Trees	381	7	31
	7 Silver Fir Trees	270	5	20
	9 Horse Chestnut Trees	81	1	31
	2 Spanish Chestnut Trees	31	0	31
	3 Yew Trees	62	1	12
	4 Aspen Trees	181	3	31
	1 Elm Tree	80	1	30
TOTAL	220 Trees	4,952	99	2

BERE FOREST.

	Number of Trees.	ESTIMATED CONTENTS.		
		Feet.	*Loads.*	*Feet.*
FOR SALE AND REPAIRS:				
West Walk	552 Oak	5,947	118	47
East Walk	175 „	2,311	46	11
Bull's Lodge Wood	151 „	1,688	33	38
TOTAL	878 Trees	9,946	198	46

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SALCEY FOREST.

	Number of Trees.	ESTIMATED CONTENTS.	
		Feet.	*Loads. Feet.*
For Sale and Repairs:			
Knighton's Copse - - - - - - -	107 Oak -	1,338	26 38
Ditto - - - - - - - - -	1 Ash -	65	1 15
Total - - -	108 Trees -	1,403	28 3

WHITTLEWOOD FOREST.

	Number of Trees.	ESTIMATED CONTENTS.	
		Feet.	*Loads. Feet.*
For Sale and Repairs:			
Hazleburgh Walk - - - - - - -	58 Oak -	578	11 28

(Appendix 1.)

Sir, Office of Woods, &c., 22 April 1854.

I am commanded by the Commissioner in charge of Her Majesty's Woods and Forests to state to you, that in consequence of a communication which the Commissioner has this morning received from the Treasury, it is necessary that you should, on receipt of this letter, suspend the felling of timber in the New Forest until the intended arrangements for the quantity to be felled can be modified; and I am to request that you will come to London on Monday morning next, the 24th, and be at the office at 12 o'clock, in order to give the necessary information on which may be founded the altered instructions which the Treasury desire to sanction on this subject, and to have them reduced into such a form as will, as speedily as possible, enable you to resume the felling of the timber to such an extent as may be authorised.

The Commissioner has thought that this course of proceeding is calculated to have a more speedy result at this critical season of the year than opening a correspondence.

I am, &c.

L. H. Cumberbatch, Esq. (signed) *Geo. Sale Bedford.*

(Appendix 2.)

Sir, Queen's House, Lyndhurst, 23 April 1854.

I have the honour to acknowledge the receipt of your instructions of yesterday's date, and to inform you that, in obedience thereto, I have suspended the felling of timber in the New Forest; and hope to have the honour of waiting upon you, at about 12 o'clock to-morrow, at the Office of Woods.

I have, &c.

The Right Hon. T. F. Kennedy. (signed) *L. H. Cumberbatch.*

(Appendix 3.)

Sir, Office of Woods, 24 April 1854.

In obedience to the instructions contained in a minute of this day's date, I have the honour to inform you, that so far as the limited time between the receipt of your instructions of the 22d instant, and my leaving the forest for London this morning, would permit, I have ascertained the extent to which the felling of oak timber therein has actually taken place to be as follows:

1. Of the 3,843 trees estimated to contain 2,635 loads and 44 feet, returned as trees fit to be submitted to the Purveyor for the service of the Royal Navy, about 1,926 trees are felled, or about one half of the quantity.

2. Of

2. Of the 5,011 trees estimated to contain 1,389 loads and three feet, returned as fit to be felled for sale and repairs, about 300 trees only are felled.

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I beg leave to mention that this only a rough estimate of the quantity actually felled, which was all that it was possible to make in a single day.

4 July 1854.

I have, &c.

The Right Hon. T. F. Kennedy, &c. &c.

(signed) *L. H. Cumberbatch.*

(Appendix 4.)

MINUTE.

READ letter of the Lords Commissioners of Her Majesty's Treasury, dated 22 April 1854; also letter from Mr. Cumberbatch, dated 23 April 1854, reporting the suspension of the felling of timber in the New Forest.

Mr. Cumberbatch having been directed to proceed to London to attend this day at the Office of Woods, on the subject of the timber to be felled in the New Forest during the present season, in consequence of the Lords Commissioners of Her Majesty's Treasury, desiring to issue fresh instructions on this subject, previously to Her Majesty's sign manual warrant being issued, and Mr. Cumberbatch having attended accordingly, at 12 o'clock, Mr. Cumberbatch was requested to report, as speedily as in his power, the extent to which the felling has actually taken place, further felling having been suspended, as reported in his letter of the 23d April: 1. Of the 3,843 trees returned as estimated to contain 2,635 loads and 44 feet, fit to be submitted to the Purveyor for the service of the Royal Navy. 2. Of the 511 trees estimated to contain 1,389 loads, three feet, proposed to be felled for sale and repairs, both as reported by him in his letter of the 1st April 1854.

Mr. Cumberbatch having reported to the best of his ability in his absence from the forest, and until he can, by actual enumeration, make a precise return, state to him that the Lords Commissioners of Her Majesty's Treasury desire to alter and restrict the selection made under the instructions of the Commissioner, of the 16th and 28th January last; and that the felling shall be restricted to a selection of trees made on the principle and to the extent recommended, as regards navy timber, by Mr. Clutton, in a report made by him, bearing date the 16th of August 1853; and therefore place in Mr. Cumberbatch's hands a copy of Mr. Clutton's report of 16th August 1853, in order that he may be informed of its contents.

But, Mr. Cumberbatch having reported as accurately as in his power, until he can make a precise return, that about one-half of the timber proposed to be felled for the service of the Royal Navy has already been felled, under the pressure of the very early season, direct him to desist from all further felling of timber for the Royal Navy in the present season, and to make a precise return of the trees already felled, in order to be included in Her Majesty's sign manual warrant. By this instruction the desire of the Lords Commissioners of Her Majesty's Treasury will be carried into effect, as far as it is now practicable, as regards the felling of timber for the Royal Navy in the present year.

As per Report annexed.

With reference to the timber proposed to be felled for sale and repairs, consisting of 5,011 trees, estimated to contain 1,389 loads and three feet, it is apprehended that there is no objection entertained on the part of the Lords Commissioners of Her Majesty's Treasury to the felling of these trees being proceeded with, and therefore direct Mr. Cumberbatch to proceed with the same.

Direct Mr. Cumberbatch, so soon as he shall be enabled to do so, to prepare and transmit an estimate for the New Forest for the year, to be substituted for the estimate transmitted with his letter of the 30th of January 1854, founded on the instructions contained in this minute.

In reference to Mr. Cumberbatch's letter of the 18th of April, respecting the sale of bark, instruct him to proceed with the advertisement and sale of bark to the extent of the wood already felled, and to be felled under the authority of this minute, and from the thinnings of the plantations.

Transmit copy of this minute to Mr. Cumberbatch for his information and guidance.

24 April 1854.

Queen's-house, Lyndhurst,
31 December 1853.

Sir,

I HAVE the honour to acknowledge the receipt of your instructions of the 29th instant, numbered 1,320, in which you desire to be informed, with reference to the area of the New Forest authorised to be cleared and planted by the Commission held in June 1851, and in reference to the two inclosures made in part thereof in the two last seasons, what is the next portion of the said area which I should consider it most proper to clear and prepare for planting; and desiring me to report on this subject, and at the same time to inform you of the general character of the timber at present growing on such space as I may so report on; whether it be fully stocked with timber, and of what kinds; whether it contains a large proportion of timber which it may be expected will be fit for the Royal Navy; and generally, what the kinds and character of the timber may be, and whether of a large value.

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I beg leave, therefore, in the first place to state, that there have been four inclosures made during the two last seasons, in part of the area authorised to be cleared and planted by the Commission held in June 1851; namely,

	A.	R.	P.
In the Season of 1851–2:			
Frame Heath	419	3	2
Islands Thorns	492	0	13
In the Season of 1852–3:			
Oakley	823	2	2
Park Hill	693	3	38
Quantity already inclosed	2,429	1	15

The total quantity authorised by the said Commission to be inclosed was 4,051 A. 0 R. 24 P., consequently there remains 1,621 A. 3 R. 9 P. to be inclosed, and the portions selected to make up this quantity are,

	A.	R.	P.
Brochis Hill, in Castlemalwood Walk	159	3	15
Shave Green, in Castlemalwood Walk	246	0	15
Pound Hill, in Rinefield Walk	235	2	6
Denny Lodge Inclosure, in Denny Walk	279	3	0
Buskett's Lawn, in Ironshill Walk	342	0	33
Dames Slough, in Burghley Walk	358	1	20
	1,621	3	9

Of these last-mentioned portions, the next that I should recommend to be cleared and prepared for planting are, Pound Hill, Shave Green, and Denny Lodge. The greater portion of Pound Hill was, in the first instance, clear of timber, and the remainder is not fully stocked. The navy oak timber has already been felled, and there remains some quantity of oak fit only for sale, and a quantity of large rough beech, some of which I propose to fell this winter.

A considerable portion of Shave Green was in 1851 covered with oak and beech timber, but of this the greater portion of the oak was felled in 1852, and there remains no navy timber, but only some inferior oak, and a quantity of large rough beech that would not, in the whole, amount to a large value.

A considerable portion of Denny Lodge Inclosure was in 1851 covered with timber, but out of this all the navy timber has been taken, and there remains a large quantity of oak only fit for sale, and some rough beech. The oak timber here remaining to be cut is rough and not of great value. I find it impossible, from the irregular manner in which the timber is scattered over the land, to give even a rough guess that would be satisfactory to myself of the quantity and value of the timber standing on these portions, without delaying to report longer than you would wish.

I beg leave to remind you, that upon the portions of the land already inclosed under the Commissson of 1851, there still remains a quantity of timber standing, though none of it is navy timber, namely:

On Frame Heath, a quantity of oak which I propose to fell in 1854, not of large value, and a few beech.

On Islands Thorns, some large rough beech.

On Oakley, a large quantity of beech, some of which I propose to fell this winter, and a small quantity of oak, which I propose to fell in 1854; but no navy timber.

On Park Hill, a considerable quantity of beech, nearly the whole of which I propose to fell this winter. There is no navy timber, but only a large quantity of oak fit for sale, which I advise should be felled in 1854.

I think that if you should decide upon felling in 1854 all the oak timber remaining on the area selected for inclosing by the Commission of 1851, it will still be necessary to go elsewhere for a sufficient supply of sale timber, unless much navy timber is again felled, the rejected portion of which would furnish a supply for sale.

Now that this matter is under your consideration, I beg leave respectfully to lay before you what has occurred to me on this subject since the passing of the Deer Removal Act, by which the Crown acquired the right to keep inclosed for the growth of timber 10,000 acres of the New Forest, in addition to the 6,000 acres authorised to be kept inclosed for the same purpose by former Acts.

At the time the above-mentioned portions of the forest, 10 in number, were proposed for inclosure, and approved of by the Commission of 1851, the Deer Removal Act had not passed.

It is now no longer necessary to select such comparatively small spots; but the Crown having acquired such extensive rights, might select much larger areas, that would include within their bounds the areas selected by the Commission of 1851, and thus save much fencing; because if the Crown does exercise its right of inclosing 16,000 acres, and the best land for planting is inclosed, these portions selected in 1851 will necessarily be included

included within such more extensive plantations, because the surrounding land is almost the only land which would be worth planting.

What I would venture to propose for your consideration is, that before actually fencing in any further portions of the land selected by the Commission of 1851, the deer having now been substantially removed, a new Commission should be issued, under the Deer Removal Act, for inclosing 10,000 acres of land. I have before mentioned that this would necessarily include the lands not yet inclosed, though selected by the Commission of 1851, and thus all the fencing of such selected inclosures would be saved, and a small slight bank might be thrown up to be a division between the land selected by the Commission of 1851, and the land selected under the powers of the Deer Removal Act.

If this were done, nearly the whole of the land fit to grow oak timber in the New Forest, that is not covered with growing plantations, or already inclosed for the purpose of planting, would be inclosed; and though it must be some years before the whole of the old timber now standing upon the same could be cleared away, or the land planted, yet, in the meantime, much would become self-sown.

It appears to me to be important that the Crown should, as soon as possible, exercise its right of inclosing the 16,000 acres, because, exclusive of other advantages, by so doing, all the best pasture would be taken from the commoners, and the value of their rights of pasture would thus be materially diminished, which would be of importance to the Crown in the event of any such rights being commuted, as suggested in the Thirty-first Report to Parliament, a copy of which I have had the honour to receive from you.

The subject of the fall of navy and sale timber for 1854 being now under your consideration, I venture to suggest, that it would be advisable to confine the fall of 1854 to sale timber alone, as owing to the large quantity of navy timber that has been felled during the two last seasons, it has not been possible to cut an adequate quantity of sale timber, so as to clear the ground, and, consequently, there is now, not only within the portions selected by the Commission of 1851, but also wherever navy timber has been picked out, a large quantity of timber standing, only fit for sale, which should, I think, be first felled; as it seems to me, in all cases of felling old timber in this forest, to be desirable to clear the ground of all sorts of timber completely at once, leaving the land ready for replanting, and not to leave a portion of the crop standing, as it has lately been necessary to do, in order to supply the large quantity of navy timber, the rejected portion of which formed a sufficient quantity of sale timber without felling much for the special purpose of sale.

I have the honour to return herewith my letter of the 10th of November, and the plan of the forest which you transmitted to me, on which I have coloured blue, and numbered 6, 7, 8, respectively, the land which I propose should next be cleared and prepared for planting.

I have, &c.

The Right Hon. T. F. Kennedy, &c. &c.

(signed) *L. H. Cumberbatch.*

1543. Mr. *Wilson.*] Mr. Kennedy was desired to restrain himself in the plan he had contemplated of cutting timber for the present year, and to adopt the principle which had been recommended by both Mr. Clutton and Mr. Brown in their reports?—Unfortunately, the felling of the timber had already been commenced in anticipation of the Treasury authority, and one-half of the proposed quantity had been already felled, but he was stopped from going any further.

1544. He had commenced felling the timber before he had applied to the Treasury, or received the Queen's warrant?—He had.

1545. With reference to the interference of Mr. Clutton, he says, "There is one case which is very recent about felling timber in the New Forest; that felling has been restrained very much, because Mr. Clutton very much disapproved of it, and I thought it ought to be proceeded with." Was Mr. Clutton in any way, directly or indirectly, communicated with upon the subject or consulted?—Not at all.

1546. Mr. Kennedy has stated that Mr. Clutton was employed in 1849 to make out a case for the Office of Woods; do you believe that Mr. Clutton was employed to make out a case, or was he employed as an independent surveyor, who had had no connexion, or communication, or employment with the Woods before?—Mr. Clutton at that time had no connexion whatever with the Commissioners of Woods, and I apprehend he is in too much of an independent position, and too high-minded to consent to make himself the tool of any department.

1547. He was in no way connected with the Woods before that time?—No.

1548. When he was selected for the purpose of making that report, he was an independent surveyor, only known from his public reputation as a professional man?—Quite so; and he has told me, more than once, that when he undertook the business he had a strong prejudice against the Royal Forests; he had a very imperfect acquaintance with them, and expected to be obliged to make very unfavourable reports. He was associated in the inquiry into New Forest

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with his brother and Mr. Neve, and into Dean Forest with Mr. Hall. The two latter are professional gentlemen, quite unconnected with the department.

1549. Mr. Kennedy has stated that in the formation of his office he was very much frustrated in the election of his officers by the Treasury, and especially in regard to the case of a particular officer, who he thought was the hardest used man he ever knew. Can you state to the Committee what took place with regard to that?—I have a perfect knowledge of all that took place on that subject, and I think I must give my answer upon that point with some restraint, because if I enter into the question at large, I shall touch upon points which I understand it is the desire of the Committee to avoid. The Act of Parliament which separated the Works Department from the Woods was to take effect in October 1851, and it was therefore necessary to make the arrangements for the allotment of clerks in the different departments previously to that date. Mr. Kennedy, when the time approached, was in Scotland; his absence in Scotland created some difficulties in the arrangement of the matter, and there was a great deal, as I happened to know, of correspondence between him and Lord Seymour on the subject, which was not brought to a conclusion; they came to no arrangement until the time came when it was absolutely necessary to do something. Then a report came in from Lord Seymour and Mr. Gore alone, in the absence of Mr. Kennedy, proposing an allotment of clerks for their respective divisions, leaving Mr. Kennedy's department unfilled. It was certainly not Lord Seymour's fault that Mr. Kennedy chose to remain in Scotland all this time; and his absence, as I have said, necessarily created some embarrassment in the arrangement; but, from all that passed, I am very confident that Lord Seymour showed no disposition to help himself to the best half of the office, and there was every disposition to treat Mr. Kennedy fairly; but when Mr. Kennedy came up to town, he took exception, not only to the clerks who were proposed to be assigned to him, but to the proposed constitution of the office; and he intimated the necessity of his having a much larger establishment than had been assigned to him. The Office of Woods had very lately been the subject of an inquiry by a Commission appointed for the purpose. Mr. Hayter, Sir Alexander Spearman, and Mr. Gore constituted the Commission; and the establishment which they recommended was framed expressly with a view to the contemplated division of the establishment. It is one of the most obvious duties of the Treasury to restrain establishments within some bounds. It would, no doubt, be very gratifying to the heads of departments if they could always have the number and the sort of people that they wanted; but I think the House of Commons must be prepared for a large increase in the Miscellaneous Estimates, if such a principle were universally recognised. Mr. Kennedy has referred to the case of Mr. Cumming, and has alluded to a circumstance which has formed the subject of an official correspondence already before Parliament, respecting the charge which had been brought by Mr. Kennedy against Mr. Ash. I do not think it would be desirable to enter into the private details of Mr. Cumming's case; but it is sufficient to say that those who were in authority at the time did not think it would conduce to the harmony of the establishment if he was appointed to it. Mr. Cumming had no claim from his official position. His original admission to the service was in July 1847, when he was appointed private secretary to Mr. Philipps. The Treasury letter authorising the appointment is in these words; it is addressed to the Commissioners of Woods, dated the 5th July 1847: "My Lords are pleased to sanction Mr. Philipps' salary being made up to 1,000*l.* a year from the 5th April last" (Mr. Philipps was the secretary to the Board), "and their Lordships approve of his having the requisite personal assistance, which they are of opinion may be best effected by allowing him to select a qualified person as his private secretary, whose salary should commence at 150 *l.*, and increase by annual additions of 15 *l.*, until it shall ultimately attain the sum of 250 *l.* a year; and you are authorised to charge a salary for this object, and at this rate, upon the establishment of your department." Mr. Philipps nominated Mr. Cumming as his private secretary, and he remained as his private secretary up to the time of Mr. Kennedy's appointment to the Office of Woods; Mr. Cumming held his appointment entirely subject to the will of Mr. Philipps, who might have removed him at any day, and appointed another person. An attempt was made to give a more permanent character to Mr. Cumming's appointment, on the plea that he had contributed to the Superannuation Fund. Now, it appears that he did pay contributions

tributions to the Superannuation Fund, but entirely without any authority. Something, I suppose, must have happened in the office, or else the clerk would not have made the abatements from his salary; but it was without the sanction of the Treasury, and the moment they heard of it they directed the amount that he had contributed to be returned to him. Now, there is nothing more clearly laid down in regard to superannuations than that service as private secretary gives no claim to superannuation, and private secretaries are not recognised as permanent officers. I can speak with some authority upon the subject, for I have served successively as private secretary under 11 chiefs. I can instance the case of Mr. Wickham, who was chairman of stamps and taxes; when his retirement was fixed, the whole of the period in which he served as private secretary to Lord Althorp was excluded. Mr. Cumming held his appointment at the will of Mr. Philipps, and it is quite clear that a contribution to the superannuation fund irregularly paid could not alter the substantial character of his office.

1550. Mr. Philipps might have changed him any day he pleased?—Yes. As soon as Mr. Kennedy came into the office they got together, and Mr. Cumming ceased to be, in fact, private secretary to Mr. Philipps, and became attached to Mr. Kennedy.

1551. As private secretary?—I do not know as what; from that moment he ceased to hold any recognised official position; he still received his salary.

1552. Mr. *V. Smith.*] As holding what position?—As private secretary to Mr. Philipps.

1553. Mr. *Wilson.*] He never was recognised as holding any office but that of Mr. Philipps' private secretary?—No.

1554. And he received a salary for that office?—Yes.

1555. So far as the Treasury know, he continued to be Mr. Philipps' private secretary, and received salary as such?—Yes.

1556. And there was never any other appointment made at all?—No, for the reason that I have stated, that the authorities thought it better to decline Mr. Kennedy's recommendation, that he should be placed at the head of the office, and Mr. Kennedy was allowed Mr. Bedford instead.

1557. Mr. *V. Smith.*] As what?—As the senior clerk in charge of the Forests.

1558. You stated that Lord Seymour would not have selected the best half of the persons for himself; that, I understand, is not Mr. Kennedy's charge: Mr. Kennedy's charge is, that there were no persons put into his department who had any knowledge of rural affairs; can you explain to the Committee whether that was the case, and if it were so, whether it arose from the incompetency generally of the persons in the office to speak upon rural affairs, or whether there were any persons who could have spoken to those subjects who were put aside, and put into other departments?—I think it would be very difficult to find persons who would combine a knowledge of rural affairs with clerical habits. I do not know that the want of people conversant with rural affairs was ever felt before by any of Mr. Kennedy's predecessors.

1559. That implies that you mean to say that the management of the Woods and Forests was perfect before, which I do not suppose you do?—I think that the management of the Woods and Forests was very much better than the world generally thinks. It is very easy to run down a department by a cry.

1560. Supposing it to be possible, do not you think it would be an advantage to put into the management of the office in town, persons who had acted as surveyors in the country, and who had a knowledge of agricultural affairs?—It might be; but I doubt very much if you would find competent surveyors, who would undertake such duties at so small a salary. A good surveyor, I fancy, gets larger emoluments than any officer in the public service.

1561. Larger than the heads of departments?—Yes.

1562. Mr. *Wilson.*] You mean professional surveyors?—Yes.

1563. Is not it the case that the theory of the office is, that the heads of the office should have, as professional consulters upon forest affairs, the deputy surveyors themselves?—Certainly.

1564. With regard to the general management of this department; do you remember that while those reports of Mr. Brown were before the Treasury, and I had formed a very favourable and high opinion of the talents of Mr. Brown, that I had very frequently referred to the inconvenience of not having some person in the office in London who was professionally acquainted with the

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forest management, and who should, by being so acquainted, be an assistant to the Commissioners for the time being, whoever they were, and a sort of connecting tie between the Commissioners and the deputy surveyors in the management of the forests; and do you remember that, in order to remedy that, I had it in view, having a very high opinion of Mr. Brown's ability from the reports he furnished, of proposing to appoint him as an officer under Mr. Kennedy, a sort of perambulating surveyor to visit the different forests, for the purpose of communicating between the deputy surveyors and the head of the office in London, and for the purpose of producing a uniformity of system of conveying from one forest to another a system of management which would be found beneficial; in short, that I had an impression that it would be very beneficial to appoint Mr. Brown, in order to assist the Commissioners in London in their management of the forests?—I remember your entertaining such a notion.

1565. Mr. *Fitzgerald.*] You expressed an opinion that Mr. Kennedy ought to have obtained the sanction of the Treasury before he employed Mr. Brown, and you stated that that course had been followed on former occasions; was that always the case when the forests were under the management of an official who had a seat in Parliament?—Yes. The only occasion on which I recollect a similar survey of the forests having been undertaken was in 1849. It was not preceded by a formal official sanction, because time pressed; but it was made the subject of a communication between the heads of the Treasury and the First Commissioner, Lord Carlisle, and it was considered to be so irregular a proceeding that it was afterwards put upon record, and formal sanction was given.

1566. Mr. *Wilson.*] Is it not the case in every department, the Customs, the Excise, or any other, that before any extraordinary expenditure of any kind is incurred, the sanction of the Treasury is obtained?—Certainly.

1567. Otherwise the Treasury would have no controul over the departments?—Certainly not.

1568. Therefore, as a matter of course, before the head of any department incurs any expenditure, he applies to the Treasury for permission to do so?—Yes.

1569. It was the ordinary course of business, therefore, to do so in this case?—Yes.

1570. What is the position of woodmen with regard to superannuation?—The woodmen of Royal forests do not come in the class of officers who are usually considered entitled to superannuation. Mr. Kennedy proposed that the old woodmen of Dean Forest, whom it was necessary to remove, should receive some retired allowances, and the Treasury partly assented to it; but upon looking into the question they found a very strong minute by a former Board, which applied to the people employed in the parks in London, and other persons of that class, expressly excluding them from all claim to superannuation. In these matters it is very difficult sometimes to meet the claims of individuals without creating a precedent which may go beyond what is contemplated; and when the case of these woodmen in Dean Forest was considered, in consequence of the promise that had been held out by Mr. Kennedy previously to their retirement, small allowances were assigned to them on the express understanding that it should not be drawn into a precedent. Before he had received this letter he had pursued a similar course with respect to some woodmen in New Forest, and submitted their claims to a similar indulgence; it was then found that if the principle were once admitted it would include a larger number of persons than was at first contemplated, and there was certainly great delay in settling the matter. During the pressure of Parliamentary business it very often happens that there is difficulty in settling these matters; while it was under consideration some of those people presented memorials to the Treasury, but the memorials came not only from some woodmen who had been recommended by Mr. Kennedy, but from two other persons who had not been recommended by Mr. Kennedy. When those memorials came in representing their extreme distress, it certainly excited attention to the matter; but as the cases of two of them had not been brought before the Treasury by Mr. Kennedy, it would have been indecorous on the part of the Treasury to take the matter into consideration without referring the memorials to him.

1571. Therefore

1571. Therefore it was referred in the usual way to Mr. Kennedy?—Yes; and he reported upon the memorials, and they were decided upon.

1572. Mr. *Tollemache.*] The complaint is of the delays; he wrote a letter to the Treasury in the year 1853, and he got no answer to that for some months afterwards?—The delay arose from the indisposition of the Treasury to meet Mr. Kennedy's proposition with a refusal, and on the other hand the difficulty of complying with it in consequence of the previous regulations.

1573. Mr. Kennedy states, "In February or March 1853, I recommended this; I received no answer to this letter till, when I was in Scotland last autumn, I saw a statement of a Member of Parliament asking a question about these men, and what was to be done for them, and he did not get any answer that satisfied him much, but the Session came to an end, and there was an end of that subject." Do you recollect that letter having been written to the Treasury by Mr. Kennedy?—Yes.

1574. There was no acknowledgment sent to him?—It is not usual to acknowledge letters received by the Treasury, before answers to them are communicated.

1575. Mr. *Wilson.*] Will you state to the Committee the arrangement at the present moment of these forests, and the necessity for that arrangement, since Mr. Kennedy retired from his office; will you state the technical reasons which led to that, and what the particular arrangement is?—It became necessary to make provisonal arrangements for the conduct of the business in consequence of Mr. Kennedy's cessation to act as Commissioner for the forests, and all the duties of the department were assigned to Mr. Gore, except those relating to the manor of Lyndhurst, which are not very important, and which I suppose involve no practical responsibility. Mr. Kennedy has the solace of a salary in the meantime, which he has drawn up to the 30th of June.

1576. *Chairman.*] It has been alleged that Mr. Clutton was sent down in 1849, during the sitting of Lord Duncan's Committee, by the Treasury, in order to make a report favourable to the forest; do you know who gave him those instructions?—The instructions were given by the Commissioners of Woods; Lord Carlisle was then Chairman.

1577. You did not give them?—No; I did not then hold my present situation.

1578. Mr. *V. Smith.*] Have the official instructions to Mr. Clutton been presented to Parliament?—Yes.

1579. *Chairman.*] Was any application made to the Treasury for the expenses of Mr. Clutton's going down to Delamere Forest in 1849?—He was employed to go to all the forests, and Delamere was included in his general instructions.

1580. Mr. *E. Denison.*] On what ground did the Treasury sanction that expenditure?—There was a communication between the First Commissioner of Woods and the First Lord of the Treasury and the Chancellor of the Exchequer upon the subject. The Commissioners of Woods were confident, no doubt, that an inquiry would turn out favourable to them, and it was proposed that perfectly independent persons should be employed, with a view of bringing out the real facts of the case.

1581. Is it the way to bring out the real facts of the case, that one party should have the nomination of the person who is to make the report?—They selected professional gentlemen, who were perfecly independent of the department.

1582. Mr. *V. Smith.*] Was there any official communication from the Commissioner of Woods to the Treasury, applying for Mr. Clutton to be sent down, and if so, did he state in that official communication what his reasons were for requiring the services of Mr. Clutton?—The requirements for a report were so urgent, that no official communication passed previously to the employment of Mr. Clutton, but the circumstances were put on record afterwards in an official report.

1583. What made the necessity of that report so urgent?—Because the Committee was sitting.

1584. *Chairman.*] What situation does Mr. Clutton hold now under the Woods and Forests?—He is receiver of the Crown rents for the western district.

1585. Does the receiver of Crown rents include the superintendence of the forests?—No.

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1586. Then why does he go to visit the forests?—He was referred to specially to report upon Mr. Brown's report, because he had previously been employed to visit the forests; he was not directed to visit them again, but if he wanted to refresh his memory, he was at liberty of course to do so.

1587. What situation did Messrs. Driver hold?—They were receivers of Crown rents previously to the appointment of Mr. Clutton.

1588. Were Mr. Clutton and the Messrs. Driver in partnership?—No.

1589. Mr. Clutton succeeded the Messrs. Driver?—Mr. Clutton succeeded Messrs. Driver. I think it was only one Mr. Driver that held the appointment, and upon his resignation Mr. Clutton was appointed to the office.

1590. Mr. Clutton was appointed to the office of receiver of Crown rents?—Yes.

1591. It is as receiver of Crown rents that he is employed to make general reports upon the Crown property?—No; he had been employed upon the Royal forests previously to his having any appointment at all, and the circumstance of his having been so employed led to his being consulted again.

1592. Was Mr. Clutton or Mr. Driver receiver of the Crown rents in 1849?—Mr. Driver. Mr. Clutton was appointed by Lord Derby.

1593. You stated that Mr. Kennedy wanted to cut more trees than were approved of; did not Mr. Kennedy want to cut only all the damaged trees?—No, he wanted to cut trees fit for the navy wherever they could be found.

1594. Did not he also want to cut down all that were going back, that were decayed?—That was not the object of the proposal.

1595. Mr. *V. Smith.*] How do you collect that that was not the object of the proposal?—He would not propose to cut down damaged trees for the navy.

1596. Did not Mr. Kennedy state it to be his opinion, that too few trees had been cut there, and they had been allowed to stand after they had risen to their utmost value, and their value was diminishing?—Yes, I think there was some statement of that sort. I think also he stated that one of the great causes of the trees being damaged was, that they had been injudiciously felled; that it left the trees improperly exposed. Yet he went on with the same system in order to raise revenue.

1597. Earl of *Shelburne.*] With respect to the general application for the purpose of felling timber in the New Forest, was it an application in the shape of felling timber for navy purposes, or for the sake of cutting down trees?—Felling timber for navy purposes.

1598. *Chairman.*] For navy purposes only?—For navy purposes only.

1599. And not including a quantity of damaged trees?—Damaged trees were not mentioned.

1600. Mr. *V. Smith.*] I think you stated that Mr. Kennedy was proceeding to fell those trees without a Queen's warrant?—Yes.

1601. Is there a Queen's warrant given upon each occasion of felling timber?—There is; but it appears to be the practice to take it as a matter of course.

1602. Therefore Mr. Kennedy was doing nothing unusual in that course?—No. As the time of felling is limited to the short season when the sap is on the rise, is it not always possible to wait for the formal completion of the warrant.

1603. *Chairman.*] You stated that Mr. Ross was employed for the lessee in his valuation?—Yes.

1604. I thought you said Mr. Cumberbatch and Mr. Ross were joint valuators?—One on the part of the Crown, and the other on the part of the lessee.

1605. Do you not know that in valuations of stock in entering upon a farm, it never is usual to give details?—Quite so; and therefore I think Mr. Kennedy was wrong in his way of asking Mr. Cumberbatch for the information.

1606. Mr. Cumberbatch ought not to have given it under any circumstances?—It was the impression of the Treasury that, as he was Mr. Kennedy's officer, Mr. Kennedy might ask him confidentially any information he pleased as to the grounds of his opinion.

1607. Although it is not the custom of a valuer so to do?—That was the ground of Mr. Cumberbatch's refusal.

1608. I believe Mr. Caird has been employed, as well as Mr. Brown, by Mr. Kennedy in managing various parts of the property under his care?—In agricultural matters he has.

1609. Agricultural matters only?—Agricultural matters only in Scotland.

1610. In

1610. In Scotland only?—Except New Park Farm; he consulted him about that.

1611. Blame has been attached to Mr. Clutton for going to Arniston without the consent of the proprietor; has not Mr. Caird been all over England upon gentlemen's properties without the consent of the proprietors, and published his remarks upon them?—I do not know that of my own knowledge, but I do not think that any blame was attached to Mr. Clutton for satisfying his own curiosity upon the subject, but that he should have made it the subject of an official report uncalled for.

1612. The referees were not appointed to go to Delamere Forest until the dispute with Mr. Higinbothom began in Holt Forest, were they?—It had been long contemplated, when there seemed to be an irreconcilable difference between Mr. Clutton and Mr. Brown, and Mr. Kennedy was pressing Mr. Brown's recommendations upon the Treasury, to appoint impartial people generally to investigate the subject, to help the Government in coming to a decision. The personal controversy in the matter between Mr. Higinbothom and Mr. Brown seemed to claim attention first, and these persons were appointed specifically for that object in the first instance; but afterwards their inquiry has been extended to the other forests; they went down to Bere, and Parkhurst, and then to Delamere; they have been to New Forest, where they partially prosecuted the inquiry; they are now engaged in Dean Forest, and they are going back to New Forest.

1613. You stated that you thought, by the Act of Parliament, the Commissioner has no power of dismissal, did not you?—No, I did not say so; I said the Act vested the power in two Commissioners, but that the sole power of dismissal was derived from the Treasury warrant, which assigned special duties to each Commissioner, and that therefore the power exercised by Mr. Kennedy was not derived immediately from the Act, but through the Treasury warrant; and he was peculiarly responsible therefore to the Treasury for his fulfilment of the trust which was reposed in him in the matter.

1614. Do the Treasury assume to be judges of whether a man is a good woodman or not?—They have not assumed any such judgment in this case.

1615. If I understand you, it does not rest with the Commissioners, and does rest with the Treasury?—The power of dismissal rests with Mr. Kennedy; but if the person who is dismissed appeals to the Treasury, the Treasury are bound to inquire into the cause of the dismissal.

1616. And the power of appointment rests with the Treasury?—Yes, the power of appointment rests with the Treasury.

1617. Mr. *V. Smith.*] And restoration also?—Virtually.

1618. In fact, the power of dismissal comes to a very little?—These questions never arise in any other department, and I do not see why they should in the case of the Commissioners of Woods. In all the subordinate departments, the power of dismissal is exercised by the heads of the departments; the persons aggrieved frequently appeal to the Treasury, and in 99 cases out of 100 the Treasury confirms the decision of the heads of the departments.

1619. *Chairman.*] This is a case of the power of appointment that is in the Treasury?—In most cases.

1620. And in every case, in any Secretary of the Treasury, whoever he may happen to be?—Not any Secretary, but in the Board of the Treasury.

1621. They are supposed to have an official knowledge of who are competent to take care of the Crown woods?—Not at all; I think they have proved that they did not consider themselves to have official knowledge, by appointing referees to report upon the case of Mr. Lipscomb.

1622. They have appointed clerks from the War Office?—No.

1623. They appointed Mr. Lipscomb?—Mr. Lipscomb was appointed by the Commissioner of Woods, many years before the Treasury had anything to do with it.

1624. Do you consider, from your experience, that this last Act has worked well?—I do not see why it should not work well. It has worked well as regards the land revenue, which, as it produces four-fifths of the income derived from the Crown estates, is a more important branch than the forests.

1625. If it is not necessary for any person in the Treasury to understand anything about woods, why is it necessary that the Chief Commissioner should, because the appointment rests with the Treasury; you say that the appointment

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of those surveyors rests with the Treasury, and it is not necessary for them to know anything about the management of woods?—I did not say so.

1626. Do you think it necessary that the Treasury should know anything about the management of woods?—No.

1627. But the appointment of persons to take care of the woods rests with the Treasury?—It does; and I suppose it would be their duty to take care, in communication with the Commissioners of Woods, that competent persons were selected; if they did not, the Commissioners of Woods would reject anyone that they sent there.

1628. Do you think it important that the Commissioner of Woods should know something about the matter?—I am not quite sure that it is necessary that he should have an intimate knowledge of forest management, provided he has general intelligence; I do not think it is necessary that he should have anything like professional knowledge.

1629. Mr. *V. Smith.*] I understood you to say, that as the public had found from experience, that there is no great evil in the appointment of the Treasury to offices in the Customs and Excise, while the Commissioners of Customs and Excise have the power of dismissal, you see no reason why the same rule should not be applied to the Woods and Forests, Do you see nothing peculiar in the constitution of the Woods and Forests which would make it more important to appoint persons previously acquainted with the Woods and Forests, than it would be to appoint a person previously acquainted with the Customs or Excise, to those departments, where by application any person might learn his duties in a short time?—I think it would be the bounden duty of the Treasury, before they made any such appointment, to ascertain the qualifications of the person they appointed to such an office, and I presume they would not appoint a person who was unfit for his duties, knowing that the Commissioners of Woods have the power to reject any man whom they send; and it seems to me to follow, as a matter of course, that the appointment would be made, more or less, in concert between them.

1630. Supposing an unfit person was appointed by the Treasury, he must then be removed by the Woods and Forests; and afterwards the Treasury, according to the present Act, have the power of insisting upon his replacement, have not they?—If you can conceive such a state of things, the appointment and rejection might go on for ever.

1631. Do you think that that divided authority produces a difficulty?—I think not; it is no more a difficulty than the difficulty of our constitution, which requires the assent of the three branches of the Legislature.

1632. In the case of Mr. Lipscomb, he was dismissed by Mr. Kennedy, and the Treasury for a certain time, I believe it is admitted, continued him?—I apprehend that the question would have been long ago settled but for the pending investigations. He holds his office only till his successor is appointed.

1633. Would not that be a case of difficulty, as has been supposed in the previous questions?—Mr. Kennedy did not assign to the Treasury very satisfactory reasons for his dismissal. He said, in his evidence before the Committee, that he had formed a highly unsatisfactory opinion of Mr. Lipscomb's management before he ever thought of Mr. Brown, and he said he had had the misfortune to be in correspondence with Mr. Lipscomb for, I suppose, a year and a half before he had any communication; he says he published all the letters. Now, only one letter passed before Mr. Brown was sent for. Mr. Kennedy himself did not visit Delamere Forest till some months subsequently; and it is a great pity, if he had all this information as to Mr. Lipscomb's incompetence, that he did not report it. His report upon the subject refers entirely to the question of estimates, in which there is a correspondence between Mr. Lipscomb and Mr. Kennedy, referred to Mr. Brown and back again; and the impression which that correspondence made upon me was that Mr. Lipscomb was very harshly treated.

1634. Is not the power of dismissal absolute in the Commissioner?—I think it is absolute. I think, however, that it is subject to the control of the Treasury, seeing that it is executed under a Treasury warrant, and that the Treasury may vary the power at any time they please.

1635. Subject to the dilemma that has just been supposed, of reappointment and dismissal?—No, he derives the sole power of dismissal under the warrant which assigns to him different duties.

1636. Which

1636. Which is under an Act of Parliament, explaining the duties of the Commissioner?—Yes; but the Treasury may alter that warrant from time to time, and vary it in any way; therefore they might, if they pleased, issue a warrant saying that the power of dismissal should rest in two Commissioners.

1637. Did not you state, just now, that it was easy to run down a department, but you saw no discredit attaching to the Woods and Forests?—I do not pretend to personal knowledge; but as far as one can judge from the reports of professional persons, conversant with those subjects, I think the condition of the majority of the forests is very favourable.

1638. From your long experience at the Treasury, should not you say that the management of the Woods and Forests has been one of the most difficult of all the subordinate departments of the Treasury?—I think it has.

1639. *Chairman.*] Has a single report in favour of Delamere Forest ever been made, except that by Mr. Clutton in 1849?—There have been no reports made upon Delamere Forest, except that of Mr. Clutton in 1849, and the report that is just presented, as far as I am aware.

1640. Who is Mr. Mathews?—Mr. Mathews is a land-surveyor, I believe, of high reputation; he lives near Birmingham.

1641. Who recommended him to the Treasury?—I do not know who recommended him first; but I know that Mr. Josiah Parkes was consulted about him.

1642. Who is Mr. Murton?—He is a land-surveyor in Kent. He has the management of Lord Harris's property amongst others. He is a person of independent property himself, and he was recommended to the Treasury as a person very conversant with his business, and of very upright character.

1643. Do you know who recommended him?—No.

1644. Do you know who recommended Mr. Menzies?—I believe I was myself the first person who proposed Mr. Menzies. I had been over Windsor Forest with him; I was very much struck with his intelligence, and I led him into conversation about Mr. Brown and his book. I found that he had rather a fellow-countryman's favour towards Mr. Brown, and was on the whole impressed with the value of his book; and I recollect mentioning to the authorities in the Treasury, when I returned, that, if they wanted a Scotchman who knew a great deal about woods, as one of the referees, I thought Mr. Menzies would be a very good person. That led to some further inquiry, and he was selected.

1645. He was in the Office of Woods originally, was not he?—No; he was brought up in Mr. Locke's office.

1646. Mr. *Brand.*] Does not he hold some office now?—He is deputy surveyor of Windsor Forest.

1647. Mr. *E. Denison.*] You have been asked about the system that prevails between the Woods and Forests and the Treasury; is not there reference upon too minute points of detail at present, from one office to the other?—I think not more than is necessary to maintain that general constitutional superintendence which it is intended that the Government should exercise over a permanent department.

1648. I find in this correspondence there is a case in which Mr. Kennedy was to give directions about the rails, but that he was reminded that he must wait for orders from the Treasury about the posts; do you remember that?—I do not understand the question.

1649. Positively a letter is written to remind Mr. Kennedy that, although he might give directions about repairing the rails, he must wait for directions about fixing the posts until the Treasury give him authority?—I can only conceive that such a question could arise from the want of some authority for the general expenditure. The Woods would not refer to the Treasury for permission to put up a post, but they would refer to the Treasury for permission to incur certain expenditure, and posts may be included in that expenditure.

1650. Mr. *Fitzgerald.*] Is that an expenditure which they necessarily would have referred to the Treasury, when the forests were under the management of Lord Carlisle or Lord Seymour?—There has been no alteration in the constitution of any of the relations between the Treasury and the Woods in consequence of the late Act.

1651. Did not they then, out of their own funds derived from the forest, incur expenses without reference to the Treasury which now they do refer to the Treasury?—No.

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1652. Was not it the case that Mr. Driver was employed to survey a part of the New Forest under Lord Lincoln, in 1845 and 1846, without reference to the Treasury?—I am not aware of that; but the Commissioners of Woods, before they make any arrangement for letting property, are bound by the Act of Parlialiament to have the advice of a surveyor, and upon all those points they consult the surveyor without reference to the Treasury. In fact, they are bound to have the advice of the surveyor first.

1653. Mr. *E. Denison.*] You say that Mr. Clutton was selected by the Woods and Forests, because he was a man in an independent position?—Yes.

1654. What was the position that Mr. Clutton occupied at that time in reference to any of the public departments?—He had no connexion with any of them.

1655. Had he no connexion with the Ecclesiastical Commissioners?—I do not know; the Ecclesiastical Commissioners are not connected with the Treasury.

1656. The Commission are appointed by the Government, and make their reports to the Government and to Parliament; was Mr. Clutton employed as the surveyor of the Ecclesiastical Commission?—I do not know; it is not a matter that comes under the cognisance of the Treasury in any shape.

1657. Then if you do not know whether Mr. Clutton was connected with that office or not, how are you able to state that he was in no way connected with a public department?—What I intended to say was, that he was in no way connected with the Woods and Forests, or the Treasury.

1658. Mr. *V. Smith.*] Did I understand you to say that Mr. Clutton, when he was appointed to make this report, was a partner of Mr. Driver's?—No.

1659. Was he ever his partner?—Not that I know of.

1660. He was only his successor?—Yes.

1661. Earl of *Shelburne.*] With reference to the administration of the woods, do you conceive that it is in the slightest degree more necessary to the Chief Commissioner of Woods to be professionally acquainted with the subject of woods and forests than for the First Lord of the Admiralty to be professionally acquainted with ships?—I should think that general business habits and intelligence are all that is required in the duties of Commissioner of Woods.

1662. Under the former administration, in allusion to the appointment of Mr. Lipscomb, it appears that he was appointed, not being a person in any way particularly qualified for the situation at the time that the Commissioner was appointed?—Yes.

1663. Since the Treasury have had the control of these appointments, I understand that no similar appointment has been made; and is not the natural inference that the appointments made by the Treasury are better than those that were made under the former system?—No appointments have been made of that character by the Treasury yet, except that of Mr. Brown to Dean Forest, which has been subsequently cancelled, and Mr. Thompson, who was appointed superintendent of Chopwell Woods on the recommendation of Mr. Kennedy. But at the same time I am not prepared to admit that the appointments under the old system were generally bad. I do not think that the appointments of Mr. Machen, Sir James Campbell, Mr. Higinbothom, Mr. Menzies, Mr. Cumberbatch, or Mr. Linnell, can be considered as otherwise than good appointments. I judge from the results of their management as declared by competent and impartial persons. I may perhaps observe that it is not a very easy thing to find first-rate professional men who would be willing to take such appointments.

1664. On account of the salary?—On account of the salary. The only recent appointment has been Mr. Cumberbatch to the New Forest, and that was before the right of appointment was vested in the Treasury.

1665. *Chairman.*] He was a clerk in Mr. Clutton's office?—Yes; he was a clerk in Mr. Clutton's office.

1666. Earl of *Shelburne.*] With reference to the names of the referees. In page 269, Mr. Kennedy proposes Professor Lindley; are you aware that he is editor of the "Gardener's Chronicle"?—I have heard so.

1667. Are you aware that that paper took a very strong bias against the deputy surveyors to decide the dispute, between whom and the Commissioner these very referees were to be appointed more or less, practically speaking?—I have seen some articles in that paper expressed in very virulent terms against the deputy-keepers.

1668. Previously to the settling of this question?—Previously, and subsequently.

1669. Mr.

1669. Mr. *V. Smith.*] It appears by these papers, that you make a mistake about Mr. Clutton and Mr. Driver being partners?—They were employed upon Hainault Forest jointly.

1670. There is a letter upon Hainault Forest, dated "Whitehall Place," and "signed, &c. Driver and Clutton"?—They were two surveyors employed upon the part of the Crown.

1671. Is not that the usual signature of partners, "Clutton and Driver"?—They were associated for that purpose; they are not professionally engaged with each other.

1672. Earl of *Shelburne.*] In allusion to questions asked you just now as to Mr. Clutton having been employed by the Ecclesiastical Commissioners, should you say that anybody employed professionally by the Ecclesiastical Commissioners, was in any degree practically under the influence of the Government?—Not in the slightest degree, so far as the Treasury is concerned, at any rate.

1673. Lord *E. Howard.*] Can the Woods and Forests incur any expenditure in the country without referring it to the Treasury previously?—There is a certain class of expenditure which they may incur, but anything exceptional they ought to refer to the Treasury previously.

1674. Is that limited by any amount?—For example, the Commissioners of Woods are bound, before they submit any proposal for the lease or sale of property, or the purchase of property, to consult a surveyor, and obtain his sworn valuation before submitting the proposal to the Treasury; and, therefore, upon all those occasions, they employ those surveyors without previous authority.

[*The following Report upon Bere and Parkhurst Forests was delivered in:*]

The Right Honourable the Lords Commissioners of Her Majesty's Treasury.

My Lords, London, 4 May 1854.

In compliance with your Lordships' instructions, conveyed to us in Sir Charles Trevelyan's letter of the 25th April, we have made a careful perusal of the papers transmitted to us relating to the past, present, and future management of the Royal Forests of Bere and Parkhurst, and to certain controversies respecting those forests, which have arisen between Mr. Brown and the deputy surveyor Sir James Campbell; and having, also, made a minute inspection of the forests, we have now the honour of reporting to your Lordships thereon.

In Bere Forest various differences have arisen between Mr. Brown and Sir James Campbell as to the age, size, and number per acre of trees in certain specified parts of the forest.

Mr. Brown states that in the West Walk, in the neighbourhood of the deputy surveyor's house, he found trees of 38 years of age 160 to the acre, which he ascertained to have an average diameter of 8 ½ inches at 6 feet from the ground.

Sir James Campbell states that from a memorandum made from Mr. Brown's dictation and figures while on the spot, the size was given him as 9 ½ inches diameter instead of 8 ½ inches.

We found, on a much more comprehensive admeasurement than that adopted by Mr. Brown, that the trees on this locality of 38 years' growth were not more than 110 to the acre, and that they exceeded 9 ½ inches diameter. No thinning had taken place since Mr. Brown's visit in the parts on which we took our admeasurements.

Mr. Brown states that on some other portions, where the crop was 25 years of age, he found, on an average, only 320 trees to the acre, while there ought to be nearly 400.

We found that on these other portions 32 years trees constituted the main crop, and that the part where 320 trees per acre are said to exist, is a small exceptional locality, where there have been extensive fillings up with younger trees.

There are various other statements of facts with reference to the ages, numbers, and sizes of trees; but inasmuch as there appears to be some uncertainty as to the precise spots where admeasurements were taken, we have not ventured to notice them.

With reference to the situation of this forest, its past state and its present condition and management, we are of opinion that it was well selected for the purpose of growing timber.

The locality, with regard to Portsmouth, is convenient; the soil, though resting chiefly on a sub-stratum of sand, is calculated to maintain oaks to considerable dimensions, and the original planting was executed with great skill and judgment.

We have reason to suppose that only a small portion of the entire forest was planted with fir nurses, and in that part the trees now exhibit unmistakeable indications of those nurses having been retained in their places much too long, and irreparable injury would have ensued, but for the skilful management of the deputy surveyor during the last 10 or 12 years; and where no fir nurses were used, the trees were left too long unthinned, as indicated by the absence of lower branches, owing probably to the dread of the effect of the strong winds which prevail in this district; but these, also, for the like period show signs of excellent management. The trees are now advanced to a state in which the

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manager will have less fear of the consequences of wind, and will venture upon more extended thinnings.

We consider the best criterion by which to judge of the necessity of thinning to be the approximation of the upper branches to each other, without reference to the number of trees upon a given area or their dimension near the ground; these being chiefly dependent upon the adventitious circumstances of soil, subsoil, climate and situation.

No one can question the great convenience to all parties connected with a forest, of a regular systematic periodical thinning; but in situations where trees are subjected to the influence of powerful winds, the greatest caution is imposed upon the manager, who is generally the only person possessing sufficient experience of the time and mode of executing this delicate and important operation. In the present case we think that a periodical thinning of any considerable space, at intervals of greater than two or three years, would be productive of the most disastrous consequences.

General remarks only should be made on the subject of thinning, as all forests, from the date of their original planting, to the time when the crop is ultimately left for timber, are in a state of continual transition; the parts just thinned have usually the appearance of being overthinned, while those to be next acted upon appear to require thinning.

In this forest, as in most others of similar extent, the original planting was not executed in one year, but extended over different periods. The various ages present different appearances, and as some portion of planting required more of subsequent filling up than others, a want of uniformity is shown in particular places; but a detailed reference to these exceptions, we presume, is not required of us; the more especially as we consider the thinning generally, over the whole forest for the last few years, to have been performed with great ability. It is an easy task to carry out general principles, but it is the able manner in which the deputy surveyor has dealt with difficult local circumstances that constitute his great merit.

The amount of income, derivable from thinnings, must never be permitted to form a criterion of good management, or otherwise.

Mr. Brown in his report directs attention to 50 acres in the east district of the Creech Walk of poor, wet, sandy soil, and advises that it should be cleared and replanted with Scotch pines. The quantity of this character of land does not exceed 20 acres, and we are of opinion that Scotch pines are not suitable trees to plant upon it. This is a district of very limited market, and but very little of forest produce can be sold, except oak and larch. Having regard to the market, as well as to the nature of the soil, we are of opinion that the present Scotch firs should be removed and a double line of larch planted between the existing rows of oak. Many of the oaks are yet valuable plants, and may do well with the ultimate assistance of larch nurses. Other portions of this forest, now occupied with mature timber, should, when cleared, be planted with oak and larch at the usual distances; but for the advantages of shelter a broad belt of Scotch firs should be immediately planted on the western extremity of the West Walk Wood.

A discussion having arisen as to the size of oak trees to be planted under peculiar circumstances, and Sir James Campbell having advocated the use of plants of four feet high, in small sheltered places of rough ground occupied almost entirely with fern and stools of underwood, we think that in such limited and special cases his proposition is a sound one, care being taken to select well rooted plants.

The extent of drainage in this forest is ample, but a portion is rendered inefficient by bad outfalls and long, flat reaches. In all cases, however, where the fall is sufficient, the deputy surveyor, by deepening his drains, has materially improved the original system. In those places where replanting is necessary, as great a depth should be given to the drains as can conveniently be obtained. The construction, as advocated by Sir James Campbell, of nearly upright sides, is found practically to answer better, and cost less than that specified by Mr. Brown, and should be continued; the distances apart being regulated by the nature of the subsoil.

The income derivable from the sale of bark will arise from two sources, viz., from the thinning of the plantations and from the clearing of matured timber. The latter will be regulated by the quantity which can be advantageously disposed of in each year; this may be estimated at about 1,000 trees per annum for ten years, yielding an annual supply of bark of 100 tons; the thinning may be safely estimated at 100 tons, making in the whole 200 tons annually for the next 10 years, when the timber bark will cease, and the flittern bark will not increase. We think this the safer calculation to depend upon, although if the demand should unexpectedly increase, the matured timber may be realized in less than ten years.

We are at a loss to account for the manner in which Mr. Brown, in his second report, explains away the well-merited encomiums he bestows on these plantations in his first; it is easy to compare one of these young woods with the other, and they form proper subjects of comparison; but it is not easy to find private woods in any way comparable. With respect to this forest and Holt, we have no hesitation in saying, that having regard to extent and to character of soil, there are no oak plantations in Great Britain (being private property), at all to be compared with them, either in the present state of crop or the amount of ability exercised in the management. Nor can we draw the distinction, alluded to by Mr. Brown, between the benefit the trees have derived on account of the nature of the soil, and that which is attributable to the management they have been under; it being, in our opinion, the perfection of good management to leave nature to work her own good ways with as little interference as possible.

With

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With respect to Parkhurst Forest, the only question of mere fact at issue between Mr. Brown and Sir James Campbell refers to the removal of fir nurses among trees of 30 years' growth; Mr. Brown stating that certain trees of that age do not appear ever to have been relieved. The fir nurses are too thick, truly, but we could not discover the appearances alluded to by Mr. Brown, and we believe that there is no portion of the 30 years old plantation which has not undergone partial thinning for some years past.

The soil of this forest is generally thin and retentive, lying upon a substratum of clay, with some small portions more open and gravelly on the high grounds. The situation is an exposed one, subjected to the north-east winds on the one side, and the south-west on the other. The crop consists of oak of various ages, from about 36 years down to the present time; a considerable extent of oak copsewood, and a small space occupied of matured timber of inferior description. The drainage was originally well laid on and abundant. Scotch firs were the nurses used over the whole forest.

There are strong indications that up to a recent period this forest was greatly neglected as to thinning, filling up, and drainage.

The present deputy surveyor appears fully to have appreciated the difficulty of his undertaking, and, by removing improper nurses, giving greater depth to the drains, more extended thinnings, and preparation for future planting, is fast redeeming this extensive property. It is yet far from hopeless, and may ultimately be brought into a good and profitable form.

All the present Scotch firs should be gradually removed as nurses, but occasional broad belts, for shelter, are indispensable to the future welfare of the entire forest, and all outside firs must be scrupulously preserved.

The oak copse should be entirely done away with by repeated summer cuttings, and the large portion of land it occupies planted with oak and larch of small size.

We do not advise the planting of Scotch fir either as nurses or as a permanent crop; the ground is ill suited for it, and the market for such produce is the worst in England. Nor do we believe that the drains, as specified by Mr. Brown, will be effective in the clay; the depth is not sufficient, and this fault cannot be compensated by any additional number.

Mr. Brown's suggestion of a systematic thinning at five years' intervals we consider to be totally inapplicable to a forest situated as this is with reference to exposure. It must, for many years, be thinned at much shorter periods until a more robust growth renders it secure from the effects of the wind.

Assuming the land covered with copsewood at 300 acres, and that it be cleared in five years, which we think it ought to be, it will yield an annual average quantity of about 15 tons of bark, and we consider that a quantity not exceeding 70 tons yearly may be got from the thinnings of the young plantations.

In both forests, the trees we have designated as matured timber are the remains of what constituted the original trees of the open forest, and lest they should be supposed to present an example of what the existing plantations will ultimately become, we think it right to state that the management to which the present crops have been, and now are subjected, will produce results of great superiority.

We have, &c.
(signed) *J. Mathews.*
Wm. Murton.
Wm. Menzies.

John Clutton, Esq., called in; and Examined.

J. Clutton, Esq.

1675. *Chairman.*] WHAT office do you hold?—I am Receiver of Crown rents.

1676. You are only sent down to the forests from time to time, as the Office of Woods wish you to go?—I never went, excepting when Lord Duncan's Committee was sitting, officially.

1677. Who sent you then?—I was sent by the Office of Woods and Works at that period.

1678. Why did they send you down there?—To report upon the state of the forests; the instructions appear in the Blue Book of Lord Duncan's Committee.

1679. Had you no other instructions than those?—None at all.

1680. Had you no private instructions?—None whatever.

1681. What situation did you fill at that time?—None at all.

1682. Had you no connexion with the Government?—No.

1683. Were not you connected with the Ecclesiastical Commissioners?—Yes; my firm have been surveyors to them some time.

1684. How long have you been surveyor to them?—I should think 10 years, but I do not recollect precisely.

1685. Mr. *E. Denison.*] What office do you hold?—We are surveyors of the southern district of England.

1686. *Chairman.*] How long did you stay at Delamere Forest when you went down in 1849?—I was there a whole day.

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1687. What is the extent of country?—Four thousand acres.

1688. You had not time to examine very accurately many things that are alleged to have been going on?—Certainly not. I only took a general view of the whole of the forests. I did not go very minutely into any of them.

1689. Were you aware that there had been no revenue from several of those forests?—I only knew from the return. I was aware some had made no return.

1690. Have you ever reported upon the cause of there being no revenues?—No.

1691. You have never been required?—No.

1692. You never inquired at Delamere Forest into any alleged abuses on the part of the deputy surveyor, or anybody else?—No; I was not required to do that at all.

1693. Have you seen the report of the three Commissioners who have been down lately?—I have heard the purport of it.

1694. Who are those three Commissioners who have been down?—They were Mr. Matthews, Mr. Murton, and Mr. Menzies.

1695. Who is Mr. Matthews?—He is a surveyor at Birmingham. I only knew him by having met him occasionally upon railway works; he is a surveyor in considerable practice. When Lord Foley had the estate which Lord Ward bought, he was agent for it I think.

1696. Has he had any experience in the management of woods?—I imagine there are some large woods upon Lord Ward's property.

1697. Have you ever examined the soils of the different forests, such as Delamere, and Holt, and Woolmer?—Yes; I examined the whole of the soil of Delamere Forest the other day.

1698. What do you think of the possibility of its ever growing oak of great size; that is, three or four loads of timber?—I should think some parts of it would grow timber of that size; reasoning from the fact of Sherwood growing timber of large size; it is precisely similar in soil to Sherwood; it is the same red sandstone; and the oaks in Sherwood, I need not say, are of considerable size.

1699. Is there a great proportion of sand in Delamere Forest?—Yes, a great part of it is sand.

1700. And will not grow large oaks?—The fact is, similar soil does grow large oaks in Sherwood Forest; some of them they are the largest oaks I ever saw.

1701. On the clay?—It is all sand on the surface, just as it is in Delamere. I will mention one other case; that is Lord Middleton's, at Peper Harrow; there are some of the finest oaks I ever saw in my life in the sand district; some of the finest trees I ever cut, I cut there; five loads of timber in them. Some parts of Sherwood will not grow oaks; some parts will grow oaks to a great size.

1702. There is not much oak now in Delamere Forest, is there?—There has been a good deal planted, but a great deal of the land will never grow anything but Scotch fir. Larch has been tried; it is unsound in the poorer districts; but it is extremely sound, and of the very best quality upon the better districts of Delamere Forest.

1703. Is there any local demand?—Of late there has been for all produce for coal props, and the larger description of larch and Scotch fir has been used for sleepers principally; what does not go for that purpose goes for coal props.

1704. How is that forest going on now?—It is not in a good state, I should say. Since I saw it, in 1849, one or two things have made it appear very much worse than when I saw it. They had a very severe snow-storm on the 3d November 1851, which broke a vast number of the oak trees; it broke them more, probably than you ever saw trees broken; and immediately after I was there, an old forester, the foreman, died, and a new one was appointed, who does not seem to be quite so energetic as he ought to be; and it also suffers, as many of the forests have suffered, from blight.

1705. How did the snow break the oak trees?—They had had a blight, in the forest similar to the present blight, and there were no leaves until Midsummer; and the snow fell to a considerable depth upon the 3d of November, and broke all the boughs; many of the trees had their heads broken off; a great number had so.

1706. Mr. *E. Denison.*] Was there injury enough done by the snow-storm seriously to affect the character of the trees in the forest?—It has indeed; I never

never saw such havoc; I could not have believed it possible at that period of the year.

1707. Mr. *Tollemache.*] Did you see any private plantations in the same state in the neighbourhood?—Yes; the oak trees are broken all through the district, more or less; but where they stood together, they are most damaged: the snow seems to have collected in the northern part of the forest; there is much more damage here than in the centre, or the south.

1708. *Chairman.*] You cannot suggest anything, as regards the different management of Delamere Forest, except that it should be better looked after?—Under the Act of Parliament I think the managers have no power to do anything but grow timber upon it; the words of the Act are very peculiar, more so than in mny of the other Acts.

1709. It will grow larch?—Yes they might grow any tree, but timber trees are oak, ash, and elm, in the strict acceptation of the term; the words of the Act are very peculiar with respect to that forest; I will read the clause: "Provided that the said moieties so to be allotted to his Majesty, his heir and successors, shall for ever thereafter be made and kept by and under the direction and care of his Majesty's Surveyor-general of Woods and Forests for the time being, under the order and control of the Lords of the Treasury, as nurseries for wood and timber only, and for no other use, intent, or purpose whatsoever." It is the Act enclosing Delamere, the Act of the 52d of George the Third, chapter 136, passed in 1812.

1710. Do you think, if it were not for that Act, some better distribution of the woods might be made?—I think portions might be better cultivated, certainly, particularly having the marl in the district, and being near to a population.

1711. Earl of *Shelburne.*] What do you construe the word "timber" to mean, in Acts of Parliament, when it occurs?—Oak, ash, and elm; that is all that is understood legally by the word "timber," as I believe.

1712. *Chairman.*] What do you think could be done with Woolmer Forest?—I was required to report upon that a short time ago; I recommended that it should be sold. There is a considerable demand in that district now for land; the freehold land societies have raised the value of the land in that district.

1713. Would not Woolmer Forest have suited for a camp as well as buying a place for the purpose?—I am not a military man, but I understand not.

1714. What is the relative size of each?—Woolmer Forest is nearly 6,000 acres altogether.

1715. Mr. *E. Denison.*] What is the size of that which has been purchased?—A little over 6,000, I think.

1716. They are nearly commensurate?—Yes.

1717. *Chairman.*] What would you do with that portion of Woolmer Forest where nothing will grow?—If it was my own I should not spend any money upon it; I should get what I could get by sale, but I should not venture to spend money upon it, and I should not advise the Crown to do so. If I was advising a gentleman, I should not advise him to spend money upon it.

1718. It is no better than Blackheath, is it?—Not a bit, it has been pared down to the backbone; every common there is pared in the same way.

1719. I see Mr. Kennedy has put a stop to that in a good many places?—The poor people claim to have the right of paring the turf on those commons.

1720. Do you think they have those rights?—Yes, they always have an allotment set out in all the inclosures in the district; every parishioner claims to have the right, and exercises it. They have an allotment set out to them for the whole parish.

1721. Mr. *E. Denison.*] In lieu of that right?—In lieu of that right; it is not disputed. Every inhabitant of the district has a right to cut fuel.

1722. Is not the extent limited?—No, only to their use; they cannot sell out of the parish. Whatever they require for their own use in the parish, that they claim a right to cut.

1723. *Chairman.*] That is for their own use for fuel, but not burning for manure?—No, only for fuel. From having had to purchase a good deal of common land, and having purchased allotments made under enclosure awards, I am aware that it is so.

1724. What would you do with the other parts of Woolmer Forest that will grow something?—I should do in that as has been done in other forests; get the

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Crown allotment in severalty, and then dispose of it. I should not like to recommend any expenditure being made upon it.

1725. Will Alice Holt Forest grow good oak?—There is no doubt of it; good oak grows all round it, and it has the appearance of being of the best quality.

1726. And there is clay at the bottom?—There is generally clay all over that district; gravel is interspersed with the clay more or less.

1727. Will there be no navy timber in that forest before the next 100 years?—Yes; long before that there will be trees of a load and a half and two loads in 100 years from planting.

1728. It will be very sappy, will not it?—No.

1729. Do you think Alice Holt Forest well managed now?—Very well indeed; I do not think there is anything to compare with it, taken as a whole, in the south or any other district of England; I have seen almost all the oak-growing districts in the kingdom, and I do not think there is anything to compare to it.

1730. As a forest?—As a plantation, I think; and it must always be borne in mind that in that forest the Crown has its allotment in severalty, whereas in the others they have only the right to enclose for a limited period, and the Crown has the care of the whole forest. It has to look after it, and, as it were, become the manager for the commoners.

1731. And they cannot nurse young trees up from acorns?—The cattle, of course, destroy everything that is without fences. Take the New Forest for an example, there are 66,000 acres within the boundary of the forest; the Crown had, until 1851, the right to enclose only 6,000 acres, but it had the care of the whole 66,000 acres. There is no doubt that all the forests should, as speedily as circumstances will permit, be brought into severalty; Acts were passed in the last session for Wychwood and Whittlewood, and in the previous session for Hainault; and instead of having the care of large districts, the Crown will get an allotment in severalty, and have that alone to look after, the commoners having the care of their own allotments.

1732. But the Crown loses half of its property?—It has the care now of the whole without having half the benefit. It is impossible in open forests for either party to make the most of its own interests; the commoners are constantly trespassing upon the Crown rights; they live upon the spot, and the Crown's officers are unable to compete with them. But the fact is, that no man can manage a common so economically as he can manage his own land in severalty.

1733. Is there not a great quantity of timber in the New Forest that is past growing?—Yes; and that has arisen from the constant picking that has taken place from time to time; it was always so until after the Committee of 1849 when I recommended that it should not be picked.

1734. Still they ought to cut now all that has done growing?—There is another question that arises here, because the Crown's interest in the forest depends a good deal upon the stock of timber upon the ground. I will give an instance: in Hainault Forest, if the Crown had had the bare forest, they would have got one-sixteenth for their right of soil. As it was covered (four-fifths of it was covered with timber of a certain class) the Crown would get from half to two-thirds, depending upon the stock of timber upon it; that is, instead of getting one acre out of 16 it would get 10 acres out of the 16, depending upon the quantity of timber upon the land.

1735. Whether it is good or bad?—Yes, whether it is good or bad; it is not only the case of the Crown, but the owner of any common having timber upon it. The allotment to the lord for the soil depends entirely upon the quantity of timber standing upon the land. No prudent owner of a manor would bare his commons until he had settled with his commoners; there are many circumstances, of course, affecting the interests of the Crown, as well as individuals, in all those cases; but I should say that it would be highly inexpedient to clear any forest until it was alloted in severalty.

1736. Mr. *Compton.*] When these 16,000 acres in the New Forest have grown out of the way of cattle, they have the power of throwing them out and inclosing 16,000 more?—Yes.

1737. If 16,000 acres were inclosed now, in the course of 25 or 30 years they would have the power of throwing out and inclosing 16,000 more, making 32,000 acres?—Yes.

1738. There

1738. There are now between 7,000 and 8,000 acres of plantations made since 1808 already thrown out?—Yes.

1739. That would make 40,000 acres?—Yes.

1740. How much more land is there in the New Forest fit to bear timber for the navy?—Not so much as 40,000 acres.

1741. You were talking of clearing the forest, and comparing it with the present plan of picking trees over the whole district; do not you think it would be very much more advantageous for the Crown to clear a certain quantity of land and replant it, than to pick the trees in the way that they are now doing from the different parts of the forest?—I have no doubt about it, it is a practice always adopted in well-managed estates.

1742. Do you not think that it would be more advantageous to the forest to act in that way, than to leave that portion of the forest untouched which is not covered with timber?—I have no doubt that the mere fact of picking the trees injures the remainder.

1743. Those parts commonly called covered with timber are not so at all?—No.

1744. It is merely in detached places?—Yes; and instead of having 50 trees upon an acre, you will find five or ten large spreading trees.

1745. Mr. *Fitzgerald.*] Would not you take that part of the land covered with beech into your estimate, when deciding what portion the Crown is entitled to?—The Crown claims whatever is growing, timber or underwood.

1746. Mr. *Compton.*] It would be only in reference to the value of the beech, would it?—No, the quantity of land covered.

1747. Mr. *Tollemache.*] Do you consider that the oak timber has been allowed to stand too long in the New Forest?—A great part of all the timber has been allowed to stand too long.

1748. If the oak timber in the New Forest had been cut a number of years ago, it would have been more valuable?—No doubt of it.

1749. In 1849 did you examine the state of all the forests?—No; I was not in Wychwood Forest, Windsor, Hainault, or Epping.

1750. Did you see many of the small forests; Salcey, and Parkhurst, and Bere, and Whittlewood?—Yes. Whittlewood is a large forest; it contains 4,000 acres.

1751. You think it would be wise to sell Woolmer Forest?—If anybody would give anything for it; it is a pity to keep it.

1752. Do you think, in a pecuniary point of view, it would be wise to part with any other of the small forests?—I do not think so when they are planted; it is like selling the reversion of an estate; you never get the value in such a case, because the parties are not willing to wait.

1753. You said that larch had been tried without success in Delamere Forest?—Only in parts of it; not the whole.

1754. In any large portion of it?—I should think a third of it would not grow larch.

1755. You were through Delamere Forest the other day, were you not?—Yes.

1756. Did you not see here and there among the Scotch fir a larch growing?—I did; and I should have reasoned from that that the whole of it would grow larch, if I had not at the same time seen that trees which have been planted eight or 10 years are dying, which convinces me that the soil in the poor parts is not adapted for larch.

1757. Did they appear to be dying owing to their not being sufficiently thinned?—No; it was where they were quite open. I had them dug up, to see if there was any appearance of deficiency in their roots, and there was no appearance of it.

1758. You think that there are parts of Delamere Forest which would grow large timber fit for the navy?—I think so.

1759. Was that the part that you recommended should be converted into agricultural purposes?—I should not convert that part having a crop upon it till the crop was ripe; those parts not having a full crop I should recommend for agricultural purposes.

1760. Is any part of Delamere Forest good land?—Yes, the best land has the best crop; but the whole land, well marled, would grow corn.

1761. Did you see any large timber in the neighbourhood of Delamere Forest which would lead you to suppose that Delamere Forest would produce large timber?—

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timber?—There are some large trees still standing upon the pales; but I reason more from the fact of knowing Sherwood well, and knowing the sand districts in the neighbourhood of Surrey.

1762. Mr. *E. Denison.*] The report of the referees says that "the soil of Delamere Forest is chiefly of a black sandy character, lying upon the red sandstone, varying in depth and quality in different parts of the forest; it is interspersed with morasses, which were drained when the forest was first enclosed; they are now designated mosses:" does that description apply to Sherwood Forest?—Not as regards mosses; but as regards the greater part of the soil of Delamere Forest it is precisely similar to Sherwood Forest, but the poor black sand, which is on the southern side of the forest, is poorer than anything in Sherwood.

1763. There is no black sand in Sherwood?—No, one-third, or nearly so, of this forest on the south side is extremely poor, indeed almost as poor as Woolmer Forest, not quite; but the other portion is precisely similar, in all respects, to Sherwood.

1764. In Sherwood Forest there are no morasses, and no mosses or black sand?—I got my brother who lives in Sherwood to go with me, and he agreed with me that the greater part of the land is precisely similar to the Duke of Portland's woodlands in Sherwood. Having always taken great interest in the growth of oak, from having been brought up in the oak-growing districts, I have examined very carefully all the Sherwood district, and my brother, with me, quite agreed that two-thirds of this is as similar as possible; sand-rock undoubtedly comes very near the surface, in the poorer parts, but that is chiefly on the southern side of the forest; you may dig a very considerable distance, and you will not find any sand-rock, or anything like it; it is sand, but of a better quality.

1765. Mr. *Wilson.*] Is that change in the forest that has been alluded to attributable entirely to the accidental storm, do you think, or the question of management?—To both. I think it arises both from the circumstance of the storm, which is scarcely credible without having been seen, and I think also from a change having taken place in the management.

1766. Before you were there in 1849 there was a very able foreman who had charge of the property?—Yes.

1767. Who has since died?—Yes; he died very shortly after I was there; within a month or two.

1768. Since his death you are led to believe that the management has been inferior?—It appears to me so; certainly my impression of it then was better than it is now.

1769. *Chairman.*] The real cause of the bad condition of the forest has been in the office in London appointing improper people to overlook it?—Yes, probably.

1770. Mr. *E. Denison.*] Independently of the public question as regards Royal Forests, have you formed an opinion as to the value of land upon which it would be advantageous to plant timber?—I should not generally plant, myself, upon land that would let for 10*s.* an acre.

1771. Any land that would let for 10*s.* an acre in the hands of a private individual you would think better applied to some sort of farming purpose than the growth of timber?—I should, either for the Crown or an individual.

1772. Mr. *Wilson.*] Although you had to erect farm buildings?—I exclude that; I mean 10*s.* exclusive of all outlay required.

1773. Mr. *E. Denison.*] That advice which you would give to an individual, you would give also as regarded the Crown property?—I have advised in Hainault that it should not be used for timber purposes, but for farm purposes, and I should advise that Wychwood and Whittlewood should be dealt with in the same way. I would not advise that they should be used for the growth of timber, because I believe they are fit for cultivation.

1774. *Chairman.*] How does that advice apply to Delamere Forest?—You are bound by the Act, with reference to that forest, to plant timber.

1775. Mr. *Wilson.*] With regard to all the existing inclosures under old Acts of Parliament, are those Acts of Parliament extremely precise and imperative as to the purposes to which the forests are to be put, namely, the growth of oak timber?—Yes, and they generally put the word "only" after it; those Acts are nearly all similar; the same words are used "to set apart as nurseries for timber and wood;"

wood;" that is in Parkhurst: "for the growth and cultivation of timber;" that is in Hazleborough Walk; but in Delamere Forest the Act says that it shall "be kept as nurseries for timber only, and for no other use, intent, or purpose whatsoever."

1776. Mr. *E. Denison.*] With reference to the opinion that you just now expressed, about land worth 10 *s.* an acre to rent not being profitably employed in planting timber, did you entertain that opinion when you gave your report upon the forests before Lord Duncan's Committee?—I think I stated the same then; that would be my answer to all questions of that sort. If you erect the buildings, put up the fences, and make the roads, the land ought to be let for 25 *s.*;—10 *s.* additional rent will not pay you if you have a large district to drain, and make all the new roads. In these large forests there are no roads, and the arterial drainage, to commence with, will cost a very large sum.

1777. Mr. *Wilson.*] Would the opinion that you have expressed now with regard to the general policy of planting or disposing of land of a particular quality be affected at all by the greatly reduced price of oak timber of a good quality now, as compared with some 30 years ago?—There appears at that period to have been a fear that we should not have a supply of timber sufficient for the purpose of providing timber for the Navy; and my own impression is, that the improved cultivation of land will still further decrease the quantity of hedge-row timber; everything is now cut down which interferes with corn cultivation everywhere.

1778. Has the great reduction of duty which has taken place upon foreign timber, upon that particular kind of timber, affected the policy of planting in this country?—I have no doubt of it; but the prices latterly have been very much on the increase; 10 years before this time, all descriptions of produce of bark, and topwood, and timber itself, were scarcely saleable; bark one season scarcely paid for taking off; the price of bark has now got up to a reasonable amount.

1779. Have you been in the New Forest lately?—I was in the New Forest a short time since.

1780. Did you observe the cutting of the trees for this year?—No, I have not seen the timber cut this year, but I have in previous years.

1781. From 1849 down to 1850, the Commissioners of Woods pursued the plan which you recommended of clearing parcels of ground for the purpose of replanting?—Yes.

1782. That course has been deviated from the last few years, has not it?—Yes.

1783. The effect of a plan of that sort is not only to deteriorate and expose the trees remaining to disadvantage, but, also, has it not the effect of want of economy in not clearing the land as you go along, in order that it may be replanted and a new crop be produced?—Unquestionably, I think so; I think in the felling of timber a clearance should always be made, unless it is for the purpose of thinning for an ultimate crop.

1784. Is there not also a great disadvantage in picking out timber and not clearing it, that you leave a great deal of inferior timber which must be brought upon the market at some future period, all at once, without any good timber to help the sale of it?—No doubt; in cutting timber upon an estate we like to have as much good timber as we can, but we always cut both bad and good, we never divide it, because the good sells the bad; we sell to the merchants, who divide it and retail it to the consumer.

1785. *Chairman.*] But you cut in order to nurse up others?—When it is all ripe, if there is no succession, we cut it off; but in the Sussex woods it frequently happens that there is young timber as well as old; then we cut the old timber out of the way of the young timber.

1786. Mr. *E. Denison.*] Is it not the character of the timber in the New Forest generally that it is not only ripe, but rather past its prime?—There is no doubt that they have been picking out navy timber, and have left the rubbish, and that rubbish, from being exposed, has become dotard; it has got horny, and is going to decay.

1787. Even that timber which is cut, as being timber fit for the navy, is in

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a great degree found to be past its prime?—Yes; until it is cut you cannot tell exactly what the state of it is, you can only tell by indications.

1788. That being the case, would not it guide any prudent manager to make haste, and get what timber there was fit for navy purposes before it got worse?—I do not think that a prudent manager would pick all over a forest of that sort; he would clear districts for the purpose of replanting. That timber is not going rapidly to decay; oak timber does not go very rapidly to decay; I do not mean to say that it is improving at all, but you would be acting imprudently if you did not clear as you went, or so as to enable you to replant.

1789. The case I have put is, that the timber is positively past its prime, and is year by year declining?—I do not think the timber that they cut for the navy is so; I know that there is a vast quantity in the forest which is so, but what has been picked out is, I believe, not so; the refuse which is now being left is so.

1790. How does it come to pass that out of about 3,000 loads cut distinctly for the purpose of the navy, 900 loads only were accepted for the navy?—If you go into the private trade they will do just the same thing; they will bore the trees about and make them unmarketable for anything else; it depends very much upon who comes and selects it. In one year, in the New Forest, the gentleman who came there took two-thirds. In the following year another gentleman came, and he would only take one-third of precisely the same timber, so that I defy any man to say what the purveyor will take if he comes to a lot of timber. It depends upon circumstances entirely whether he will take any or none; sometimes he will not take any, and sometimes he will take a good deal. Every timber merchant will tell you the same.

1791. What is the plan pursued when timber is supplied from private properties?—The timber merchant purchases of the grower, and offers it to the contractor of the navy for the supply of navy timber. The contractor selects what he pleases, and the timber merchant disposes of the rest.

1792. Does the timber merchant permit the contractor for the navy to bore holes into the timber which he does not take, in the manner done in the Royal forests?—If they permit the contractor to pick at all, they must allow him to bore holes, but many merchants will not sell to the Government contractor at all, owing to the system of boring.

1793. Should you suggest a different system in the Royal forests, in order to prevent the very great loss which falls upon the timber which is not accepted?—I think if they will not take a tree it ought to be rejected altogether. If they do not like a tree let them leave it, because a tree, if it is once bored, is reduced in value 25 or more per cent. The very fact of its being bored, and having the Government mark upon it, damages the sale of it.

1794. When timber is cut down and barked, is it difficult to form a pretty correct judgment of whether the tree is suitable for the navy or not?—They will always find in large old oak timber some defects which are not visible to the eye. Last time I happened to be in Portsmouth they had a very valuable piece of timber in a large vessel, and they were boring a hole to put an iron bolt through, and I think I understood it cost several thousand pounds to get that piece of timber out again. There was not a speck outside, but inside there was a place where a bough had been cut off in an early period; but if timber has been boughed in its early youth, you cannot tell at all what will happen to it.

1795. *Chairman.*] It would be better for the forest if the purveyor came in like any other merchant?—It would be better for the forest if it could be done as it was in that season, in which the receiver of Portsmouth Yard came into the forest, and took there what he would receive when it came into the dockyard. It happened one season that the receiver of timber in Portsmouth Dockyard came and selected the timber.

1796. Mr. *Brand.*] Did he apply the test?—He applied what test he thought fit.

1797. Mr. *Compton.*] Do you think it would be a better plan to sell the timber to any timber merchant who chose to buy, than to let the purveyor select as he does?—I should be very much disposed to say, that now in the New Forest it would be better to sell the timber on a certain district standing, and let the Government take from the merchant.

1798. Mr. *Wilson.*] If the contractor for the navy is tied down so much to the

the quality, and if he is to select the quantity, he is to deliver all over the country on the principle that you have described; he must obtain from the Government a very high price, in relation to the general average price of timber, to enable him to accomplish that contract under those circumstances?—There is no doubt that he does get a high price for it.

1799. If the price which is given by one department of the Government to the other department of the Government for the timber selected from the forests be regulated by the price paid to the public contractor, who has to deliver timber of an equal quality, and under similar circumstances, from private hands, the additional price given by the Admiralty to the Government should be sufficient to compensate for the disadvantage to which the other timber is exposed?—It should be; but if I were the owner of that forest I would not let them come and pick it as they do.

1800. You think, perhaps, that the purveyor of the Admiralty uses more liberty in the Crown forests than a contractor with a private merchant?—I think he is more particular than he is when he gets into private woodlands.

1801. You stated that one year the receiver came from the dockyard; that was the officer whose duty it is to receive the timber in the dockyard?—Yes.

1802. In other years the person is a person appointed by the Admiralty direct?—Yes.

1803. You are rather of opinion that the person who is to receive it and pass it into the dockyard should be the person to select it in the forest?—I only know that it was better for the forest.

1804. Do you think it was equally good for the Admiralty?—The receiver did not complain, that I am aware of.

1805. He was not likely to complain of his own selection?—If you have one man who is to receive the timber into the dockyard, and he selects the timber, I do not think that there can be much complaint, but when there are two people the person selling the timber is sure to suffer from it.

1806. Is it your private opinion that, in the selection of that timber, there is much caprice?—I think so.

1807. *Chairman.*] In the opinions that you have been giving, you have been speaking of the Crown plantations?—I think they should be converted from forests into plantations. I think all the open forests should be converted into lands in severalty, and then the Crown or Parliament can deal with them as they think fit.

1808. The treatment of the trees is very different?—You cannot have the same management in the New Forest as in a district like Alice Holt; one man is cutting some fern here, another man is breaking a bough somewhere else, and all sorts of things of that kind are going on. I have no doubt that the increased cost of the New Forest is at least 2,000 *l.* a year in having the forest kept as it is.

1809. Mr. *Wilson.*] Compared with what it would be if it were inclosed?—That is my opinion about the New Forest, and all the open forests. The Crown has to look after, in the New Forest, more than 60,000 acres; instead of what it would have to look after in severalty; that is what has made the forest so very difficult of management, and so costly.

1810. Can you state to the Committee what proportion of the New Forest may be considered as yielding timber revenue to the Crown at the present moment?—About 16,000 acres.

1811. Mr. *Compton.*] Do not you think that the Crown can as well manage all the land now inclosed as if it were not surrounded by the forest at all?—They cannot manage it as cheaply as if it were in severalty, because the plantations are distant, and it is impossible to have the same economy of management.

1812. Do you remember how many woodmen there are appointed to take care of the inclosures?—Nineteen woodmen, eight keepers, and five keepers assistants; the eight keepers and five keepers' assistants are entirely occupied in looking after the forest, and the 19 woodmen are occupied in looking after the plantations. I think those 19 woodmen ought to be reduced by half if the plantations were more condensed and the forests thrown into severalty.

1813. When those 14,000 acres are inclosed, will not they be as close together as if they were private property?—Of course, if you get 16,000 acres instead of

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6,000, you will increase the bulk of them; still you will have the care of all the remainder of the forest, which I should like to see got rid of, certainly.

1814. Mr. *Fitzgerald.*] What is the number of acres under crop of all kinds, in respect of which the Crown would be entitled to claim upon an inclosure in the New Forest?—I should think about 15,000 or 16,000 acres altogether.

1815. *Chairman.*] What do you think of the propriety or advisability of the Government converting the timber in the forest, or the refuse, by means of saw mills?—I do not think that either the Government or private gentlemen ought extensively to go into conversion; I think it is better done by the merchant and the retail dealer.

1816. You are aware that in several of the woods in Scotland they have put up small saw mills, which have answered very well?—I dare say they may partially, but it opens the door to frauds, particularly in the Crown lands; and I never have recommended it to be done on private individuals' estates with oak timber; it goes *en masse* to the shipbuilding yards.

1817. And nobody can tell what it goes for?—Nobody can tell what it goes for.

1818. Mr. *Wilson.*] Are you aware that the express proposal made by Mr. Brown, with reference to a saw mill, was not that the Crown should convert the timber itself, but that a saw mill should be on the spot to be used for the convenience of private purchasers, who might wish to convert the timber before they removed it from the spot?—My impression is that it was both; he proposed not only that there should be a saw mill, but that the Crown should have agents in the large towns to dispose of the converted produce.

1819. Mr. *E. Denison.*] Where there is a local sale among farmers, and so on, cannot a proprietor, with a saw mill, put timber into a shape serviceable for farmers at a much cheaper rate than it is possible for the farmers and small dealers to do for themselves by hand?—I think it is always better done by the dealer, far better; and it is done more economically than you can do it.

1820. But here there is constantly no intermediate person; a farmer comes to buy the timber necessary for his farm gate-posts, posts, and so on; he has to do all that work by hard labour, by hand. If the proprietor has a saw mill, by which he can do it at half the cost, is it not possible that he will have a better sale for his timber in that way than merely selling it in the rough?—I think a proprietor may occasionally, from local circumstances, be able to do it; but I am quite sure that it is not expedient for the Crown to become a converter of any description of timber. I was once sent down to investigate a case: there was an attack made upon a man for misappropriation; they said that he had been selling property that he did not account for. You cannot keep a check when you go to conversion; when you have a certain number of trees felled, and you dispose of them, there is a perfect check, but the moment you begin to convert there is no check; you open the door to every description of fraud.

1821. *Chairman.*] What do you reckon the value of the right of cutting turf?—It depends upon local circumstances; upon whether there is coal freely got in the district, or a variety of other circumstances.

1822. Would it be easy to get the cottagers who have the rights to give the rights up for money?—No, very difficult indeed.

1823. Lord *E. Howard.*] Why?—Because you could not give them a money compensation which would answer your purpose and theirs; the right is valuable to them, but it is of little value to you.

1824. I was looking at it with regard to what might be the prospective value of a forest without reducing the acreage of it?—They only pare the poor sand districts, which are of very little value.

Veneris, 7° die Julii, 1854.

MEMBERS PRESENT.

Mr. Henry Drummond.
Mr. Portal.
Mr. Chichester Fortescue.
Mr. Evelyn Denison.
Mr. Fitzgerald.
Lord Edward Howard.
Mr. Compton.
Mr. Tollemache.
Mr. Wilson.
Earl of Shelburne.
Mr. Vernon Smith.

HENRY DRUMMOND, Esq., IN THE CHAIR.

Sir *James Campbell*; Examined.

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1825. *Chairman.*] YOU are Deputy Surveyor, in the forest of Bere, I believe?—Yes.

1826. Have you seen the Report of the last referees that went down to that forest?—I saw it this morning for a minute; that is the first time I have seen it; I have not read it yet, except that I glanced at it.

1827. What do you suppose is the quantity of large timber in your forest?—I imagine about 250 acres of old stunted timber left at the enclosure.

1828. What size are the trees?—They are very small; they average about perhaps 15 to 20 feet.

1829. I mean large timber fit for the Navy?—There is none there; there are a good many single trees that might be picked out for the Navy, but there is no quantity together.

1830. Nor likely to be for some time?—Not until the plantations are grown up.

1831. There is, in point of fact, no timber in your forest?—Not fit for the Navy.

1832. What is the soil?—Clay principally, and some of it gravelly, and a part of it pure sand; much the greatest part is clay.

1833. Have you read the Report of the referees?—I have only looked at it; I know generally what it contains, I think.

1834. Do you agree in the opinions there expressed, with regard to the planting and thinning?—Yes, I think so.

1835. How long have you been Deputy Surveyor of that forest?—Since September 1842; 12 years nearly.

1836. What were you before that?—Nothing.

1837. Who appointed you?—Lord Lincoln.

1838. Had you been accustomed to manage timber, or anything of the kind before your appointment?—Only as being the owner of some woods in Scotland; nothing more; I had been abroad before.

1839. In what part of Scotland are those woods?—In Perthshire.

1840. Whereabouts are they situated?—In the parish of Dumblane; it is principally copse in Scotland.

1841. Mr. *Wilson.*] There has been considerable discussion about drainage in your forest, has there not?—Yes.

1842. Both as to the extent of the drainage and as to the form of it?—Yes.

1843. Do you continue to be of opinion that the extent of drainage is sufficient in Bere Forest?—Yes; the drains require deepening very considerably many of them, but I think there are enough of them, if they were deepened where the outfall will allow of it; but in many parts there is no outfall; the ground outside is quite as high or higher than the ground inside the forest.

1844. With regard to the formation of the drains, do you continue to be of opinion that straight-cut drains are best adapted to the soil?—Yes, certainly.

1845. Of course, the form of the drain must depend in a great measure upon the nature of the soil?—Yes.

1846. Is the soil of your forest much the same as the soil of the New Forest?—Parts of it. I do not know the New Forest sufficiently well to judge. I have

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seen a good part of the New Forest, but without making any particular examination.

1847. The form of the drain that has been recommended, in preference to that adopted in your forest, is a drain with a very slanting side, and narrow at the bottom?—I do not approve of that in a clay soil, because there is so much fresh surface exposed that it crumbles very much; whereas, if you have an upright and narrow drain, the underwood and the grass very soon cover it over, and keep the sun and wind from getting to it, forming a protection.

1848. *Chairman.*] But you cannot make an upright drain in sand?—No; but in sand you seldom require drains at all; it is generally too dry already.

1849. Mr. *Wilson.*] Where the soil is suited to an upright drain, it is in your opinion preferable to slanting sides?—Yes.

1850. It is much cheaper, and occupies less of surface?—Yes. If you wish to make a slanting drain for any particular reason, you must have it so very slanting to prevent it crumbling in, that you would require much of the surface to be cut away.

1851. And a corresponding expense in making?—A corresponding expense in making, and also in keeping it clean.

1852. Would they not also be very much more apt to grow up in weeds and grass, in consequence of the exposure to the air?—Certainly.

1853. Are the narrow bottom drains, with slanting sides, in your soil more apt to fill up?—Yes, from the crumbling of the sides. I do not like them very narrow at the bottom.

1854. Have you had any experience of the slanting side drains?—I had some of them to try in Parkhurst Forest, but none in Bere Forest.

1855. Did you find them to succeed?—I found that they required cleaning after the first year, because of the crumbling away of the sides.

1856. Whereas, your upright drains did not require cleaning so early?—No.

1857. What is the distance between your two forests of Bere and Parkhurst?—Bere is 10 miles from Portsmouth, and then there is a steamer to Cowes by sea, I imagine, about 10 miles more, and it is four miles from Cowes to Parkhurst.

1858. In the management of these two forests, is it your opinion that they are conveniently situated, so as to be under the care of the same person?—Yes, I think so.

1859. How frequent are the visits that you are required to take to Parkhurst?—I do not go much oftener than six or seven times a year; but if I had not a woodman that I could trust, I should have to go much oftener.

1860. You have a good foreman that you can trust?—Yes, a very good foreman; I go oftener at particular times than I do at others; I go oftener when there is any planting to be done, or any drainage.

1861. Are you planting in Parkhurst now?—A little occasionally.

1862. Mr. *E. Denison.*] You stated with reference to draining that your drains wanted deepening?—Yes.

1863. How deep were the drains before that you spoke of as wanting deepening?—The drains were before about 20 to 24 inches deep.

1864. Open drains were 24 inches deep?—Open 24 inches deep originally, but they had fallen in, and some of them were not 12 inches deep in places.

1865. Were those drains of 24 inches deep through the plantations?—Yes.

1866. Do you think they did any good at all?—I think they did not do so much good as they would have done if they had been laid on differently; they were generally put across the hills, instead of being more up and down.

1867. How much do you think they wanted deepening to do any real good?—I should think they all required deepening to three feet at least.

1868. When you speak of drains answering perfectly well with straight sides, does your experience go to those drains of 24 inches deep?—To all drains; to main drains as well.

1869. How deep are the main drains?—From 2 feet to 2½ feet, according to the outfall; it depends upon the outfall.

1870. You mean that the main drain is 2 feet?—From 2 feet to 2½ feet, according to the outfall.

1871. Would not your experience lead to this, that although a drain of 24 inches deep will stand very well with a straight side, a drain of 3 feet would not stand with a straight side?—My experience does not show that as yet.

1872. Have

1872. Have you any experience at all in open drains of 4 feet deep?—Not made from the first; I have from deepened ones; but then they had been drains originally, perhaps 2½ feet feet or so; and then, of course, the top part which had originally been made did not fall in, because it was already covered with grass, and had got the roots of the grass to help it.

1873. When you speak of cutting a drain with straight sides, do you mean that literally?—No, not literally; it is not the same width at the bottom as the top; I only speak comparatively.

1874. It is a question of degree whether there is what is called, in railway works, more or less slope?—Yes.

1875. It is merely a question of whether there is a little more or less slope in the drain?—Yes.

1876. Would not that be regulated necessarily by the depth to which the drain was cut?—It would of course.

1877. A shallow drain may do with a little slope, and deeper drains require more?—Rather more.

1878. *Chairman.*] What is the object of the drain; to clear away the surface water, or to under-drain?—To answer both purposes; to clear away the surface-water, and to carry away the water from springs.

1879. Are they carried far enough into the fall of the hill to catch the water coming out of the hill, so as to carry away the water before it comes upon the land?—In Bere Forest the original drains were made across the hill, so that you only got the stratum that you might happen to cut through.

1880. Mr. *Tollemache.*] You are deputy-surveyor of Bere and Parkhurst Forests?—Yes.

1881. What salary do you receive as deputy-surveyor of Bere Forest?—£. 150 a year.

1882. What do you receive as deputy-surveyor of Parkhurst Forest?—£. 50 a year.

1883. Have you a house besides?—I have a house at Bere Forest, and two rooms in the woodman's cottage at Parkhurst.

1884. Have you any land at Bere Forest?—Yes.

1885. What quantity?—About 12 acres of pasture land.

1886. Are you allowed anything else?—I have an allowance for a horse of 30 *l.*, and also a man's wages paid, as a groom, or gardener, or anything else.

1887. Mr. *Wilson.*] Is that 12 acres pasture land?—Yes.

1888. Mr. *Tollemache.*] What distance is Bere Forest from Alice Holt Forest and Woolmer Forest?—From Woolmer Forest it is about 18 or 20 miles, and from Alice Holt about 25 miles, going by different roads.

1889. Is there any railway direct from Bere Forest to Alice Holt Forest?—There will shortly be a railway from the neighbourhood of Bere Forest, but it is not finished.

1890. Do you think Bere Forest, Parkhurst Forest, and Alice Holt Forest, Woolmer Forest could be placed under one management?—Yes, very easily.

1891. You think that one gentleman could superintend all these forests?—Yes, certainly.

1892. *Chairman.*] Do you think it is necessary to plant oak trees four feet high?—I do not think it necessary to do so, but I think in many sheltered places in the forest, if you plant very small ones, which require a great deal of attention, they get smothered; it is much preferable to plant small trees in an exposed situation, but in a sheltered one I do not think it is necessary.

1893. Does the fern grow very high there?—Yes.

1894. To what height does it grow?—From three to four feet sometimes; I have known it grow up to eight or ten feet, but that is only occasionally.

1895. Mr. *E. Denison.*] If you were planting in an entirely open space on fresh ground, you would plant a different sort of tree from those which you would plant upon covered ground?—I plant smaller trees at Parkhurst Forest than at Bere Forest, for that reason.

1896. *Chairman.*] You might, in an open space, plant them in slips?—If the surface was suitable, you might.

1897. Mr. *Compton.*] Are the fences in your inclosures well made?—Yes, very well made, generally speaking.

1898. Have you any large quantity of timber grown from acorns naturally?—

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No; amongst the old standing timber, there was a little originally grown from acorns; but all the fresh grown trees are transplanted plants.

1899. Do the commoners cut turf there?—No; they have no right whatever in either forest.

1900. Mr. *Tollemache.*] What is the acreage of Bere Forest?—One thousand four hundred and sixty acres altogether, I think. It is three separate divisions.

1901. What is the acreage of Parkhurst Forest?—About 1,140 or 1,150 acres; I forget exactly what it is.

1902. Mr. *E. Denison.*] Have you nurseries in your forest?—Yes, but they are not at all stocked at present.

1903. Why not?—There has been no planting done of any extent of late years; I have a good many acres now to plant, but I was obliged to throw away the few plants that I had, because they were said to be too large.

1904. Who said they were too large?—Mr. Kennedy desired me to sell them, or if not, throw them away.

1905. What size were they?—From four to five feet.

1906. Would they take uy with good roots?—Capital roots; they were the best that I ever saw.

1907. Mr. *Wilson.*] Did you persevere very much in endeavouring to induce Mr. Kennedy to allow you to plant them?—I did; I had a lengthened correspondence on the subject.

1908. *Chairman.*] Do you ever plant from acorns?—Not in the enclosures; in the nurseries I got 10 or 12 bushels of acorns planted this year, which are coming up well.

1909. Why do not you plant them in the forest?—It would do if you trenched the ground, and had it cleared; if you took proper care of them; if they were dotted here and there the mice would take them all.

1910. The mice will not take them if planted in rows, will they?—Yes, they will.

1911. Mr. *Wilson.*] How long is it since you have been planting in your forest?—I have only been filling up gaps where timber was cut.

1912. Had not you made preparations last year for considerable planting?—About 15 or 18 acres of planting; and I was not allowed to do it; I had to throw away the plants that I had.

1913. The plants were considered to be too large for the purpose?—Yes.

1914. *Chairman.*] Did Mr. Brown object to them?—He objected by letter; but he did not look at the plants while he was down.

1915. Mr. *Wilson.*] He objected to trees that were more than about 20 inches to three feet in size?—Yes.

1916. And it was because your plants were from four to five feet that they were objected to, and you were ordered to suspend all preparations for planting?—Yes.

1917. Therefore the whole year has been lost?—Yes.

1918. And the plants destroyed?—Yes.

1919. Mr. *E. Denison.*] With respect to those 15 or 18 acres, was it intended merely to dot trees about among other trees on that ground, or was it open ground that was to be planted entirely?—There were patches of open ground to be planted regularly where the old timber had been cut away; open spaces of from one acre to four or five acres.

1920. How were you about to prepare the ground for that purpose?—To drain it where it was necessary, and to do little more than dig holes for the plants.

1921. I think you stated, in a former answer, that where you dotted trees among existing trees, or where you planted plantations directly altogether on an open space, you would, by preference, use different sorts of plants?—Yes; but that was with reference to large extent of open ground, not to such places as I was about to plant; and also the planting I had hitherto done was merely, perhaps, where one or two trees were cut away; but I have since cut away all the timber on patches of, perhaps, 10 or 12 acres.

1922. Would not you pursue the same system of planting, whether you had five acres of open ground to plant, or 25?—Certainly.

1923. Then if you had five acres, or two acres, in an open space, you would pursue the same kind of planting, would not you?—I would.

1924. What sized plant should you yourself prefer to plant in an open space, such as we have been speaking of?—In an open space, surrounded as those in

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Bere Forest are by plantations of 30 feet high, I should prefer planting plants upon the average of four feet high; from three feet to five feet, because they are already sheltered; they do not require to be so taken care of as they would otherwise be if it had been part of an open common for example, exposed to the breezes.

1925. Mr. *Compton.*] How old are those plants that are about four feet high?—Five years, and twice transplanted.

1926. Mr. *Wilson.*] The income which can be derived from a forest, in the state of Bere Forest or Parkhurst Forest, must, as you have stated that there is no large timber fit for Navy purposes, depend in a great measure upon the thinnings?—Certainly.

1927. The thinnings must depend from year to year upon what is necessary to be done in order to consult the advantage of the crop?—Certainly.

1928. Therefore, is it possible for any person as a theory, to lay down a rule what the income of a young plantation of that kind can be from time to time, when the income must be contingent upon the discretion which it is necessary to use from time to time as to the extent of the thinning?—Certainly not.

1929. Therefore, the income of a young forest of that sort must be a secondary consideration, and made to be contingent upon the advantageous management of the crop with reference to its future quality?—Certainly.

1930. *Chairman.*] In thinning, you cannot thin out with the regularity of dots made upon a piece of paper; it must depend upon how the things grow?—Certainly.

1931. Mr. *Wilson.*] With your practical experience, do you think it is possible for a person to lay down as a rule upon paper, to what precise extent or proportion the thinning shall be made in each year, or any given number of years?—It is quite impossible.

1932. Must it depend entirely upon the attention and discretion of those who have the management of the forest to observe those parts growing most richly, and those most exposed, and a variety of circumstances which must make totally different rules of practice applicable to different circumstances and different situations?—Certainly.

Mr. *Lawrence Henry Cumberbatch*, called in; and Examined.

Mr. *L. H. Cumberbatch.*

1933. *Chairman.*] YOU are Deputy Surveyor in the New Forest?—I am.

1934. How long have you been there?—Since 1849.

1935. That is five years?—Nearly.

1936. Where were you before that?—In Mr. Clutton's office, 8, Whitehall-place.

1937. Being in Mr. Clutton's office did not necessarily teach you anything about thinning trees or the managing of oaks?—No; I did not continue in the office constantly, I went about the country with him in all parts of England.

1938. You had not the management of any trees yourself, had you?—Except under him I had not.

1939. Did you ever stay in any forest thinning or planting?—Not in a forest.

1940. Where?—I thinned in various parts of property of which Mr. Clutton had the management; private property, but not in a forest.

1941. Do you mean that you cut down the trees that he told you?—No; I selected the trees which were to be cut.

1942. Why did you select the trees?—Because he directed me to mark the plantation for thinning.

1943. What rule did you follow in marking that plantation?—The rule of giving the trees room; where trees were crowded there I removed the inferior ones.

1944. Which do you call the inferior ones?—Any trees which were defective, or were of small size.

1945. Leaving the largest?—Yes; leaving the largest and best.

1946. Those growing best?—Yes; or any trees which were crooked, and likely to produce good compass timber.

1947. Removing the crooked trees?—No, leaving the crooked trees likely to produce good compass timber, and removing all inferior or bad trees.

1948. All the straight ones?—Yes; not because they were straight; removing all the inferior trees.

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1949. When you went into the New Forest had you the sole management of it?—Mr. Clutton assisted me for two years.

1950. What were your duties in the New Forest?—To thin the plantations, to select the timber, to take care of the forest generally, prevent encroachments; and, in fact, the whole management, except that which was under the Lord Warden's department at that time.

1951. What rule did you follow in thinning the trees in the New Forest?—I took out all the inferior trees, leaving those trees which were likely to produce Navy timber.

1952. Did not you cut those trees specially for the Navy?—Yes, I did.

1953. It was not inferior timber then?—I was referring only to the young plantations when I spoke just now; we do not thin the old woods.

1954. What do you do with them?—The principle of cutting old timber should be to clear away the whole crop when it is matured.

1955. Do you mean to cut down every old tree?—When they are fully ripe.

1956. Did you ever see any number of acres, covered by oak trees all fully ripe, and all equally fit to cut?—Yes, I have, or very nearly so.

1957. Mr. *E. Denison.*] How has timber, which is all ripe together, been carried on to that stage; has not it been by a gradual operation of thinning during a very great many preceding years?—Undoubtedly.

1958. Is there no part of the New Forest where the timber, instead of being all ripe together, requires some portion of it to be taken away from the growing timber?—Undoubtedly; all the young plantations require that.

1959. I am not speaking now of young plantations, I am speaking of oak trees, which are making progress towards maturity; during that progress is not it necessary that, as in young plantations so in old woods, up to the time when they reach this maturity, a process of thinning must occasionally be going on?—I think not; before the timber comes to be actually ripe, you should have thinned it so as to leave it for some years, having cut out all the inferior trees you intend to, leaving the crop to mature.

1960. Is not that exactly what I have been asking; have you, up to nearly the time of this maturity, been obliged to watch the trees and remove a certain portion of them?—Undoubtedly, up to a certain time.

1961. Are there not parts of the advanced timber in the New Forest which require some such process of attention as that?—Yes, there are some portions.

1962. *Chairman.*] It appears that out of 2,635 loads felled, only 936 loads were reckoned fit for the Surveyor of the Navy?—Exactly so.

1963. How did that arise?—On account of the large rejection which the purveyor made that year. In the two previous years I was asked to supply a certain quantity of timber. In the first of those years I was asked to supply between 500 and 600 loads of Navy timber, and I cut such a quantity of timber as did supply between 500 and 600 loads of Navy timber. In the next year I was asked to supply 1,400 loads of Navy timber, and I cut such a quantity of timber as did supply very nearly the 1,400 loads which were required; upwards of 1,300 loads. In the year to which the Honourable Member refers, I adopted exactly the same plan, and the result was only the quantity that has been mentioned; 936 loads were accepted, which, of course, I could not anticipate.

1964. Mr. *E. Denison.*] Will you explain in what way the examination was more rigid, or how the rejections, in your opinion, came to be much greater in one year than in another?—There was a change of purveyors, and that makes a great difference.

1965. Was the process pursued different?—The process pursued was different, because in the latter year of the three, the timber was converted, that is, it was converted into sided timber, into plank, and into thick stuff, which are the technical terms used for navy timber.

1966. *Chairman.*] Converted by you?—Converted by me in the forest under my directions, or under the joint directions of myself and the purveyor.

1967. Who was the purveyor?—Mr. Freebridge.

1968. Mr. *Wilson.*] Did he wait until the timber was converted before he decided what he would take, and what he would reject?—Some he did, and some he took in the rough, as it had been previously taken.

1969. Mr. *E. Denison.*] It was not simply a change of the purveyor, but also a change in the system of preparing the trees?—Undoubtedly both.

1970. What was the system pursued in the two former years?—To send the timber

timber in in what is called the rough, that is, simply hewn, and not converted in any other way.

1971. Did the examination consist of boring into all doubtful parts, and so forth; was that the system pursued?—It was in the previous years.

1972. The examination of the timber in the rough was the same also in those three years, was not it?—Yes, it was.

1973. Was the rejection in that part which was converted, or was the rejection in that part which was in the rough?—In both.

1974. Where did the great extent of rejection lie; in the converted timber, or in the rough timber?—In both equally. I do not think there was more in the one than in the other. I should correct that. I should say that it lay more in the converted timber.

1975. Mr. *Wilson.*] There was a greater proportion?—Yes, a greater proportion; because in that which was selected for conversion, certain parts were rejected, and then again after conversion, certain portions were rejected after it had been sided and converted into plank and thick stuff.

1976. Was it the most suspicious trees, those trees upon which there was most doubt, that were converted?—The purveyor had it entirely in his own hands. I had nothing to do with it. I have no control over the purveyor in that way.

1977. By whose directions was that new principle followed in that year?—By the direction of the Commissioner in charge of Her Majesty's Woods and Forests.

1978. Did he direct you to convert any given proportion?—It was converted entirely under the direction of the purveyor.

1979. You converted such trees as the purveyor desired, and left such trees in the rough as the purveyor desired?—Exactly so.

1980. *Chairman.*] Did the purveyor or the Admiralty pay you for that timber?—Yes.

1981. Was that in the year 1852?—It was the timber of the fall of 1852.

1982. Earl of *Shelburne.*] Previously to this change to which you allude, the purveyor had no right to have any timber converted, and afterwards he had the right to have as much converted as he pleased?—Yes.

1983. Mr. *Wilson.*] Was that an entirely new instruction from the Commissioner in charge of the woods?—Yes, entirely; previously to that we had sent timber only in the rough.

1984. And there was no limit in the instruction as to the quantity that was to be converted, but it was to depend entirely upon the discretion of the purveyor?—Entirely upon the discretion of the purveyor.

1985. When did you receive those instructions?—I do not remember any specific instructions to convert timber in this way.

1986. Mr. *E. Denison.*] You have just stated that you had directions from the Surveyor of Woods to make a change in the former system, and to convert the timber; what I wish to know is, what was the nature of that direction, and also I wish to see the direction?—The direction came from the Commissioner of Her Majesty's Woods and Forests.

1987. *Chairman.*] In conversation?—In conversation, I think, because I do not remember any order; it was converted entirely under the directions of the purveyor to the Navy.

1988. Mr. *Compton.*] Would you have allowed the purveyor to convert timber in the forest if you had not had directions?—Certainly not.

1989. *Chairman.*] Do you mean that the purveyor told you to go and saw a piece of wood, or did he direct the labourers to do it?—He himself directed the labourers exactly what to do.

1990. Did you pay the labourers, or did he pay the labourers?—I paid them.

1991. For the work which he ordered?—For the work which he ordered.

1992. Do you pay by the grate or by the day?—By the grate.

1993. Mr. *E. Denison.*] What I ask you is, for the specific directions which induced you to take a step so new in your own management?—I can hand that letter in, but I cannot recall the date.

1994. Are you sure; you were doubtful just now whether it was a letter, or whether it was a verbal direction; are you sure upon that point?—I cannot remember the specific letter which directed me to do it, but I can produce the letter which clearly showed what was the Commissioner's intention.

1995. Mr. *Wilson.*] I see in your letter of the 18th of October, you state that the whole of the timber was then hewn, and the greater portion had been looked

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over by the purveyor, and a considerable quantity had been selected by him for siding; then you say, "two men are now employed in thus converting the slabs obtained by siding and other rough pieces of timber"; that was in October?—Yes.

1996. That was a new practice?—That was a new practice, adopted for the first time that year.

1997. Mr. *Tollemache.*] Do you think this system of converting timber previously to the purveyor testing it, one that should be followed?—No; for the interests of the forest, I should prefer to send the timber in rough.

1998. Why?—Because of the vast expense that there is attending the conversion of it.

1999. After the timber is converted, a less quantity of it is tested by the purveyor; the purveyor can see whether the timber will suit the dockyard after it is converted, and therefore it is not necessary for him to test so large a quantity of timber. It appears that a very large quantity of timber was put to this test, which was so injurious to the sale of that which was rejected, that I wish to know whether, after the timber is converted, so large a quantity would be put to that test. Supposing there is a given quantity of timber cut, would the larger portion be rejected if it were converted, or if it were not converted?—The larger portion would be rejected if it were converted, because the conversion exposes the defects.

2000. Would the timber so rejected after it had been converted, have this test applied to it; the purveyor tests the timber, does not he, by boring it?—He does.

2001. And when timber is rejected after having that test applied to it, it is not so valuable in the market?—Certainly not.

2002. In a given quantitiy of timber that is converted, the purveyor sees, after it is converted, whether or no it will suit the dockyard, and therefore this test is not applied to so large a quantity. The Committee were told before that the purveyor tests a very large quantity of timber, which really is good for many purposes, but in consequence of this test being applied to it, its value is very much damaged in the market?—Undoubtedly.

2003. If the timber had been previously converted, this test, which is so damaging to it, would not have been applied to so large a quantity of timber?—No, certainly not; but the purveyor applies the test both before and after it has been converted; the conversion may expose further defects, but then he again bores it after that.

2004. Therefore the conversion does not lessen the quantity which is tested in this injurious way?—Certainly not.

2005. Mr. *E. Denison.*] Can you state in a general way, in any one of those years, what was the price for timber accepted by the purveyor of the Navy?—When timber was sent in rough, the rough timber was paid for at the rate of about 6*l.* per load.

2006. At what sort of price were you able to sell that which was rejected by the purveyor?—At about 2*l.* 10*s.* a load.

2007. Mr. *Wilson.*] When you speak of 2*l.* 10*s.*, does that include the whole of the timber that was left, or only the portion that was rejected?—That amount of 2*l.* 10*s.* to 3*l.* per load includes the portion rejected only; the value of the timber rejected.

2008. Mr. *E. Denison.*] Let us come to a third sort of timber, that which had never been offered to the purveyor of the Navy, and therefore not cut for navy purposes; what did that fetch per load that year?—The inferior and defective timber cut for sale alone, and totally unfit for the Navy, fetched about the same price.

2009. Mr. *Compton.*] In your answer to the Honourable Chairman, you stated that you had seen acres of oak all fit to cut; did not that answer chiefly allude to King William's Inclosure?—No; other parts of the forest are in a state equally fit to cut; all the trees upon them as well as that.

2010. Do you find the timber in King William's Inclosure generally sound, more so than that in the open forest?—Yes, I do.

2011. *Chairman.*] It has been stated in evidence that there is a great deal of caprice in the purveyors; they seem to have no rule at all about their rejections?—There certainly is a great difference between different purveyors.

2012. Is there a difference between the same purveyors in different years?—Yes, there is.

2013. Then

2013. Then it is a clear loss to the forest to let the purveyors meddle at all?—I do not see that that quite follows.

2014. Would it be for the advantage of the forest to sell timber to contractors and merchants as private individuals do, and let the purveyor buy of them, without any interference with the deputy surveyors at all?—Yes, I think it would, and to sell the Crown timber standing, clearing the ground wherever the crop is ripe.

2015. When you sell timber standing, and the parties who buy it fell it, is there not a great danger of mischief being done to the trees around?—Yes, there is, where there is young timber standing amongst the old trees, but that is not the case in the New Forest. Our old woods are in a fit state, many of them, to cut down, and clear the ground completely, and replant, which is what we require, in order to carry out our plantations.

2016. When you make use of the word "old woods," do you mean plantations?—Some are plantations, and some are natural old woods that have never been planted, so far as we know.

2017. With respect to those old woods that have not been planted, so far as you know, you would not cut them all smack smooth, would you?—Yes, I would, and replant.

2018. Mr. *Wilson.*] If the crop was ripe?—If the crop was ripe.

2019. *Chairman.*] What do you call the crop where you have every age, from 150 to 200 years old, down to one year old?—We have not trees of those ages upon the same acre. We have in different parts of the forest trees growing from 150 years, and even more, down to one year; but upon the same acre, and the same land, we have not trees of one year's growth, and trees of 150 years' growth or upwards. The timber in the New Forest is rather different from private woods, owing to the pasturage of cattle and deer. There are no young trees growing up amongst the old trees, or very few, therefore the trees are all ready to cut at once. They are not like the woods in Sussex, where you take out the biggest trees, and still have a crop of young trees growing up.

2020. Mr. *Wilson.*] Since you have had the management of the forest, which of these two plans have you pursued, clearing the space and replanting, or picking the trees here and there, and leaving the land unoccupied?—When I was first appointed in 1849, I recommended that the land should be cleared, and in the year 1850 the cutting of timber was carried out according to that plan; the land was cleared, the best of the timber went to the Navy, the inferior timber was sold, and the land is now ready to replant.

2021. *Chairman.*] When you gave that advice you were, I think, 21 years and six months old?—I was in my 23d year when I was appointed.

2022. It is in evidence that you were 21 years and six months old?—That is not the case.

2023. Mr. *Wilson.*] Was it not in accordance with the recommendation of Mr. Clutton, in his report to the Woods and Forests, that that plan was adopted?—Yes, it was.

2024. Was that plan pursued?—It was pursued in 1851, but not afterwards.

2025. *Chairman.*] It was Mr. Clutton's experience that was the guide?—It was cut in accordance with Mr. Clutton's recommendation.

2026. Mr. *E. Denison.*] When you cut this quantity of timber, in order to supply the large demand that was made upon you, you expected that the trees you cut would have been found suitable for the purpose for which they were planted?—Undoubtedly.

2027. But, of the trees which you thought suitable for the Navy, a very large proportion indeed was rejected by the Purveyor of the Navy?—Yes.

2028. Would not that lead you to conclude that the timber in the forest is, generally speaking, past its prime, and is declining?—A portion is so; but I cut in that year a similar quantity and proportion to the quantity that I was ordered to supply to what I had done in former years, and therefore I anticipated that the quantity I was ordered to supply would be procured from that which I felled.

2029. Both in former years and that year many defective trees, I presume, were found?—Undoubtedly.

2030. Does not your general experience of cutting in the forest lead you to the belief, that the timber in the New Forest has stood too long for real profitable purposes?—A great portion of it has.

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2031. Then, if a great portion of the oak timber is already past its prime, and is declining, is not it desirable, for reasons of profit, to proceed to cut it as soon as it can conveniently be disposed of?—Yes, undoubtedly that which is deteriorating most rapidly should be cut first.

2032. All that is deteriorating, and all that has fully reached its prime, is rather losing value than gaining, is not it?—Yes, it is; but there are several requirements in the New Forest; one is, that land should be cleared for planting; and another is, that as much land as possible should be kept covered with timber, because whenever we come to a general inclosure, the more land that is covered with timber the greater allotment the Crown will get; and therefore I think that the policy of the Crown is to keep as much land as possible covered with timber, and therefore to cut the timber upon that land which they intend immediately to replant.

2033. That is good for one purpose, but looking at the question of timber by itself, I ask you again whether you are not losing with one hand what you are gaining with the other, because the timber, by your own account, is past its prime, and is declining?—But timber does not deteriorate so rapidly as to render it necessary to cut an immense quantity at once. You may very well spread your cutting over some years without losing anything by deterioration, the deterioration is so slow.

2034. It depends upon the state of decline and of decay which trees have reached?—It does to a certain extent. The further they are decayed the more rapidly they decay; but the navy timber is not in a state of rapid decay; many of the trees are growing trees.

2035. I infer that the navy timber is in rapid decay, from the fact that so many are rejected out of those that are cut and considered to be suitable?—They are decayed from having boughs taken off them in early days. They are damaged, but still I do not think they are in such a state of rapid deterioration, that is, getting worse and worse to a great extent every year, as to render it necessary to cut a large quantity at once.

2036. *Chairman.*] Amongst those which had been rejected were a great part faulty at the bottom, or were the faults in the upper parts?—A great proportion of the faults were in the upper parts, where boughs had been cut off in former days, when the forest was not so well attended to as it has been since 1808.

2037. Mr. *E. Denison.*] When timber has been injured by boughs being cut off, and decayed parts formed where the water lodges, does not the process of decay in such cases go on rapidly?—If a tree was defective from having a knot covered up in that way now, it would be very little worse a few years hence. The tree would be rejected now if it were cut down, and therefore it would be rejected a few years hence.

2038. Supposing it were an open wound, from a bough being torn off where the water lodged, would not the decay be rapid?—If it was not covered over, undoubtedly the decay would be rapid.

2039. The Committee has been told that a great deal of the timber has been injured by felling trees intermingled with other trees, and so boughs have been torn off by the boughs of an adjoining tree; in such cases as that the wounds would remain open wounds, would not they?—Undoubtedly they would; but I do not think the injury to the trees has been very great from that cause.

2040. Mr. *Wilson.*] With respect to this large quantity of rejected timber, is it not the case that the defects were not visible to the naked eye, but were hidden defects that had been growing over?—Undoubtedly.

2041. And it was in consequence of that that your disappointment arose, that they were not defects visible to the eye?—They were defects sometimes in the butt, and sometimes wounds covered over, which not only could not be seen after the bark was taken off, but could not be seen after the purveyor had hewn the timber, for he sided it.

2042. If the trees are in so advanced a state as to be deteriorating would it not be, on that account, even more desirable that the whole should be cleared off as you go along, instead of the very best being picked out which are in their greatest stage of maturity, and not decaying so fast, and leaving those decaying very rapidly?—Undoubtedly. I am decidedly of opinion that you should clear as you go.

2043. If you pick over the forest, and select those trees which to all appearance are in the very perfection of maturity, and not in a rapid state of decay,

and

and leave those imperfect trees which are in a rapid state of decay, would not the disadvantage and loss of leaving those trees not in a rapid state of decay be considerably more than the advantage in selecting those trees a year or two before that are in the perfection of maturity?—I think so; a great many are blown down by the wind, in consequence of taking the largest and finest trees out.

2044. If the whole of those trees are really past maturity, should not it rather be a reason why the clearance should be made complete, in order that the process of decay in those trees may be arrested as early as possible, and the most made of them?—Undoubtedly.

2045. Mr. *E. Denison.*] But, according to the rules of the forest, it is only possible to enclose and re-plant a certain quantity?—Certainly it is; but that quantity is so large that, upon the land so selected there would be abundance of timber for felling. Under the Act of the 48th of George the Third, and also under the Deer Removal Act, the 14th and 15th of Victoria, the Crown has the right to enclose 16,000 acres. At the present moment we have only about 4,400 acres enclosed; we have about 1,600 acres selected, but not fenced yet, and upon that there is a great deal of timber as well as that actually enclosed, which, under the Commission of 1851, amounts to about 2,000 acres.

2046. Mr. *Compton.*] How many of those 4,000 acres are planted?—Scarcely any.

2047. Mr. *E. Denison.*] You would for economical objects proceed, I understand you to say, to cut timber more quickly if it was not that you keep timber standing with a view of having more ground covered with timber when the question of an enclosure arises?—The Crown having the right to keep enclosed 16,000 acres, and being constantly making enclosures, I think their policy is to cut the timber upon those portions of land which they select for enclosure first, leaving the timber upon the land which they do not intend to enclose.

2048. For what purpose?—Because at any time when they come to a general enclosure they will get such an additional allotment for having a large proportion of land covered with timber.

2049. Mr. *Wilson.*] When you propose to clear off this land you do not mean to leave it without timber, but to replant it immediately, so that the interest of the Crown would be preserved by having still the same quantity of land covered with wood?—Undoubtedly.

2050. *Chairman.*] What is the soil of the New Forest generally?—There are about 30,000 acres of very poor land, that may be said to be incapable of any profitable cultivation; you could not plant trees upon it to a profit.

2051. What is the nature of the soil?—Gravel and sand; other portions are very stiff clay.

2052. What is the subsoil of that sand and gravel?—Sand and gravel for a great depth.

2053. What is the formation?—The Bagshot sand, I believe.

2054. What is there upon it at present?—Nothing but heath.

2055. Is there any furze?—A little in some places.

2056. Is there any fern?—None upon that description of land.

2057. That is 30,000 acres; then there is the remainder 36,000 more, what sort of soil is that?—A portion of it is very stiff clay.

2058. Blue or yellow?—Yellow; and a further portion of it is loamy land; and the remainder may he said to be sandy loam, lighter.

2059. Mr. *Compton.*] Is there any large sort of furze grown upon that poor land?—None.

2060. *Chairman.*] Would birch grow upon that land?—It might live, that is all; it would not grow to any size.

2061. Would not it come to hoops?—I do not think it would.

2062. Would not the common mountain willow grow upon it?—Not luxuriantly; it would exist, but that is all.

2063. Has it ever been tried?—Not that I am aware of.

2064. Thirty thousand acres out of the 66,000 have never been tried to be improved in any way?—Very small portions have come into inclosures; but they starve a Scotch fir, and even a pinasler, they come to nothing.

2065. Is it wet?—Portions of it are wet.

2066. There is a good deal of surface water in the forest, is there not?—Yes, there is.

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2067. Has there been any good system of drainage to take that surface water off?—In the plantations there have, and also a certain portion of the forest has been drained with money which was paid by the Southampton and Dorchester railway, for land which they took when they made their line through the forest.

2068. How do you proceed in the plantations, in the thinning of them?—We take all inferior trees, leaving the best, and those most likely to produce navy timber.

2069. At what distance do you leave them?—That depends entirely upon the age of the plantations; when they are young, we leave them very much nearer together than when they are older.

2070. Trees are not of the same size, at the same age?—Certainly not, and we thin each tree according to the size.

2071. Not according to the age?—Not according to the age.

2072. What is your rule for that; how near do you leave trees according to their size?—That depends, of course, upon what size they are, and upon what growth they are making.

2073. Do you ever adopt any system of pruning?—The only trees which I pruned were some in Wilverley Inclosure, which had been snag pruned before, but I am opposed to any pruning of oak trees.

2074. Had they been pontified?—They had been snag pruned, that is a short distance from the stem.

2075. Mr. *Tollemache.*] Is there still left any large quantity of this over-ripe timber in the New Forest?—There is a large quantity of inferior timber that should be cut.

2076. Mr. *Wilson.*] The sooner it is cut down the better?—The sooner it is cut down the better.

2077. As rapidly as the market will take it off?—Yes.

2078. You can state no other limitation, but the opportunity of making a fair sale of it?—No.

2079. What quantity of land has been cleared since you have been in the forest?—I cannot state the exact extent; upwards of 100 acres.

2080. Has any of it been replanted?—None.

2081. So far as regards all the land that you have cleared at the present moment, it is in a position which has been described as an undesirable one for the Crown, for if an enclosure were to take place, the Crown would have no claim upon that which has been cleared?—Certainly not.

2082. Because it has not been planted?—Yes.

2083. Of the whole 16,000 acres, which you are entitled under the two Acts, the Act of George the 3d, and the Deer Removal Act, to enclose, how much is under oak planting now?—About 2,000 acres only.

2084. Then there is still 4,000 under the old Act of Parliament of George the 3d unplanted?—Yes.

2085. Have any steps been taken at all with regard to those 4,000 acres?—Yes; 2,400 acres have been fenced, and about half that quantity has been drained.

2086. But no actual planting has been done—No, scarcely any.

2087. Have any steps been taken with regard to the 10,000 acres?—None whatever.

2088. Has there been no commission appointed for the purpose of determining the enclosure?—No; I advised that a commission should be appointed in December 1853; but no steps have been taken.

2089. *Chairman.*] How do you make the fence?—I make the fences since the passing of the Deer Removal Act, simply a ditch, a bank and posts, and two rails at the top of the bank.

2090. You do not plant any quick?—We do not plant any quick, because before the quick got thoroughly up, we should be throwing the plantations out again.

2091. When you plant, do you plant all oak?—No.

2992. What do you plant with the oak?—Larch and Scotch fir would be the nurses for the oak that I think I should propose.

2093. Would not birch be better nurses than either?—I think certainly not.

2094. Why?—Because they would not afford the same protection which the larch and the Scotch fir do.

2095. Why

2095. Why would not they afford the same protection?—In the case of the Scotch fir it does not lose its leaves in the winter time, which the birch does, and the larch and the Scotch fir grow more rapidly than the birch would, and therefore they overtop the oaks, and protect them from the south-west winds.

2096. And brush off their heads?—Not if they are removed at the proper time.

2097. Then they are worth nothing?—They are worth but a small sum, but more than birch would be.

2098. They could be used for nothing; birch will convert into hoops, as I said before?—They will convert into rails and pit props, and things of that sort.

2099. You have no pits?—No; but they go from the forest to the pits.

2100. To the mining countries?—Yes, as back carriage when they bring coals both to Lymington and to Redbridge.

2101. Down to the north?—Some to the north, and some to Wales.

2102. It has been stated in evidence that the Scotch fir, wherever it has been tried, has whipped off the heads of the oaks?—That will not be the case where the Scotch fir is removed in time.

2103. At what distance do you plant the trees; according to the old nurseryman's notion of 4,800 to the acre?—No, about half that quantity; we plant the plants 4 feet apart every way.

2104. Do you buy of nurserymen, or do you rear yourselves?—The oak we rear ourselves. I have raised a considerable number of oaks. I sow the acorns, and rear them myself; and as regards the Scotch fir and the larch, whenever we come to plant, I should propose to purchase seedlings of nurserymen.

2105. Mr. *Wilson.*] What timber have you cut this spring?—About 1,200 loads of navy timber were cut this spring.

2106. *Chairman.*] Have they taken that timber yet?—Not yet; it has not yet been looked over by the purveyor.

2107. Mr. *Wilson.*] Is it generally late in the season?—Yes; he will begin very soon; he has scarcely finished last year's.

2108. Was that timber picked in the same way as the year before?—Yes.

2109. Did you recommend that course to be pursued?—No; I recommended that no navy timber should be cut this year.

2110. Why did you recommend that no navy timber should be cut this year?—I had better, perhaps, read the reasons which I gave to the Commissioner: "The subject of the fall of navy and sale timber for 1854 being now under your consideration, I venture to suggest, that it would be advisable to confine the fall of 1854 to sale timber alone, as owing to the large quantity of navy timber that has been fe ed during the two last seasons, it has not been possible to cut an adequate quantity of sale timber so as to clear the ground; and consequently there is now, not only within the portions selected by the commission of 1851, but also, wherever navy timber has been picked out, a large quantity of timber standing only fit for sale, which should, I think, be first felled, as it seems to me, in all cases of felling old timber in this forest, to be desirable to clear the ground of all sorts of timber completely, at once, leaving the land ready for replanting, and not to leave a portion of the crop standing, as it has lately been necessary to do, in order to supply the large quantity of navy timber, the rejected portion of which formed a sufficient quantity of sale timber, without felling much for the special purpose of sale."

2111. This process of selecting timber had left a large space in the forest upon which nothing but inferior timber remains?—Yes.

2112. It was your opinion that it would be decidedly better to cut that timber which was fully ripe, not only in order to prevent its further deterioration, but also in order to replant that land in the interest of the Crown?—Yes.

2113. That course was not followed?—That course was not followed; I was ordered to supply 1,500 loads of navy timber.

2114. Have you felled trees with a view to it?—When about half the quantity was felled, the felling was suspended.

2115. You have only felled with a view to 750 loads?—Thereabouts.

2116. Have you been obliged to pick those over a large space in the forest?—Yes.

2117. Then the evil which you pointed to in that letter has been aggravated by the proceedings of the present year?—Yes, as far as it went; one half of the timber being left standing, the felling having been suspended.

Mr. H. Cumberbatch. 7 July 1854.

2118. Mr. *Compton.*] I find the following statement, in Mr. Brown's Report upon the New Forest: "In reference to this natural crop of oak and beech timber, I have to remark that there is a large portion of it very good, while there is also very much of it of an extremely rough description, and not adapted to any valuable purpose; and as the land on which it is now standing is, for the most part, very suitable for the rearing of oak timber to valuable dimensions, it is occupied by the present crop very unprofitably. Hence the importance of having the present crop all cut down, and disposed of as soon as possible, in order that land of so good a quality may be enclosed and put under a crop of young trees, which may reasonably be expected to be profitable as they progress in growth, and will ultimately become valuable as ship-building timber." Is that your opinion?—Certainly; that is exactly what I have been recommending.

2119. How much per load does your fencing cost?—I cannot answer that question at this moment, but a very much less sum than it did when we had to fence against the deer.

2120. Can you tell at all how much an acre?—About 10 *s.* an acre, depending of course upon the size of the enclosure; the larger the enclosure, the cheaper the fence.

2121. Does that include the rails?—Yes.

2122. Mr. *Wilson.*] When you were written to in November for an explanation of the very small proportion of timber that had been accepted in proportion to the quantity that you had felled and expected to supply to the navy, did you state as one of the reasons for your disappointment, the new mode which had been adopted by the purveyor in siding the timber contrary to the former practice?—Yes, I did; the new mode which had been adopted by the purveyor under the directions of the Commissioner.

2123. In your letter of the 11th of November in your explanation, you stated that as one of your reasons?—Yes.

2124. And the Commissioner in his reply to you of the 12th of November admitted that he was prepared for such a result; he says, "I am directed to state to you, that the Commissioner was quite aware that a small deficiency must arise from the siding of the timber, and as regards that cause of the deficiency in quantity, he was quite prepared to expect it"?—Yes, but not to the extent which actually occurred; there is a larger amount of deficiency owing to the siding of the timber than I think the Commissioner was aware of.

2125. In the letter which was addressed to you on the 10th of April 1852, was there a copy of a minute of the Commissioner enclosed with reference generally to the felling of timber, and the arrangements of the forest?—Yes, there was.

2126. In that minute is it not laid down, that this new principle of siding timber and converting timber, which you have described as a new practice, is the plan to be adopted?—That is the minute which I could not recollect that contains the instructions. It happened to be a minute, not a letter addressed specially to me, and therefore I could not recall it to my mind.

2127. Mr. *Compton.*] Can you state what quantity of thinnings has ever been sold, and sent to the collieries and railways in the North in any one year?—No; because people buy it, and I do not know what they do with it always. I know some goes there, but I cannot say how much.

2128. At what age are the thinnings fit to go to the collieries?—Scotch fir 20 years old.

2129. Mr. *Fitzgerald.*] How near together are the rows in the plantations?—Hitherto they have been four feet from plant to plant, and eight feet from row to row.

2130. That is oak?—Yes.

LIST OF APPENDIX.

Appendix, No. 1.

Papers delivered in by Mr. N. Higinbothom, 15 June 1854:

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WOOLMER FOREST.—Return, showing the actual Receipt and Expenditure, on Account of the above Forest, in each of the Ten Years ended 31 March 1853; also, the Number of Acres under Crop - - - - - - - p. 160

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APPENDIX.

Appendix, No. 1.

PAPERS delivered in by Mr. *N. Higinbothom*, 15 June 1854.

ALICE HOLT FOREST.

RETURN, showing the actual Receipt and Expenditure, on Account of the above Forest, in each Year of the Ten Years ended 31 March 1853; also, the Number of Acres under Crop.

Year.	No. of Acres.	Receipts.	Expenditure.	Surplus.	Observations.
	A. R. P.	£. s. d.	£. s. d.	£. s. d.	
1843–4	1,896 0 32	2,269 – –½	1,620 2 1½	1,620 2 1½	
1844–5	– – –	2,554 – 1	2,025 14 5	528 5 7	
1845–6	– – –	4,132 18 11	2,533 18 –½	1,599 – 10	
1846–7	– – –	4,530 6 6	2,764 18 1½	1,765 18 4½	
1847–8	– – –	3,778 19 6½	2,538 19 5	1,240 – 1½	
1848–9	– – –	2,058 10 8	1,062 5 9	996 4 11	
1849–50	– – –	3,509 16 5	1,816 5 7	1,693 10 10	
1850–1	– – –	2,236 10 10	1,537 6 3	699 4 7	
1851–2	1,981 1 25	4,570 4 2	2,427 6 5	2,142 17 9	
1852–3	1,988 0 25	1,280 17 1	1,289 18 8	9 1 7* deficiency.	* In this year 85 acres of land adjoining the Forest, which had been purchased in the preceding year, were fenced, drained, and partially trenched, at a cost of 278*l.* 3*s.* 4*d.*, and this extraordinary expenditure occasioned an apparent deficiency in the year's accounts.
Surplus Income in the 10 Years ending 31 March 1853 - - £.				12,276 3 6½	
Average Annual Income - - - £.				1,227 12 4	
Average Annual Income per Acre - £.				– 12 11	

WOOLMER FOREST.

RETURN, showing the actual Receipt and Expenditure, on Account of the above Forest, in each of the Ten Years ended 31 March 1853; also, the Number of Acres under Crop.

Year.	No. of Acres.	Receipts.	Expenditure.	Surplus.	Observations.
	A. R. P.	£. s. d.	£. s. d.	£. s. d.	
1843–4	1,847 0 0 in plantation	653 12 3	659 4 10½	5 12 7½ deficiency.	
1844–5	– – –	924 3 8½	766 18 –	157 5 8½	
1845–6	– – –	1,052 2 1	759 9 10½	292 12 2½	
1846–7	– – –	1,189 13 3	880 12 9	309 – 6	
1847–8	– – –	1,081 11 7	687 18 3	393 13 4	
1848–9	– – –	697 15 1	728 16 7	31 1 6 deficiency.	
1849–50	– – –	845 8 11	728 10 6	116 18 5	
1850–1	– – –	911 – –	724 3 10	186 16 2	
1851–2	– – –	1,043 14 8	537 4 4	506 10 4	
1852–3	– – –	1,058 – 6	538 19 5	519 1 1	
Surplus Income in the 10 Years ending 31 March 1853 - - £.				2,445 3 8½	
Average Annual Income - - - £.				244 10 4	
Average Annual Income per Acre - - £.				– 2 8	

Appendix, No. 2

PAPERS delivered in by Mr. *Edward Machen.*

DEAN FOREST.

STATEMENT, showing the Receipts arising from Sales of Timber, Bark, and Thinnings; also from Minerals and all other Sources, in each of the Ten Years ending on 31 March 1854; and also the Expenditure on the Maintenance and Management of the Woodlands and Plantations, and in the Collection, &c., of the Mineral Dues during the same Period.

Years ending 31 March	Total Receipts: From Minerals.	Total Receipts: From Timber, &c.	Years ending 31 March	Expenditure.
	£. s. d.	£. s. d.		£. s. d.
1845	3,163 7 7	11,791 12 2	1845	13,157 2 8
1846	4,661 7 1	12,259 15 5	1846	12,011 15 1
1847	4,267 15 –	10,494 7 8	1847	12,743 1 4
1848	4,121 2 –	9,923 2 –	1848	12,799 10 1
1849	3,569 9 7	5,889 6 8	1849	10,417 10 6
1850	4,351 7 6	8,710 12 3	1850	9,846 3 3
1851	4,740 1 3	8,004 19 –	1851	8,792 1 2
1852	6,486 5 6	13,190 4 3	1852	9,989 9 –
1853	5,605 2 11	26,664 9 9	1853	13,218 3 1
1854	4,500 12 11	11,467 8 2	1854	11,824 9 4
				114,799 5 6

In the expenditure for the years 1852–53 and 1853–54, the cost of felling, &c., the under-mentioned timber and bark is included, the greater part of which has been sold and of which the sale price or value will properly fall to be added to the receipts of 1853–54.

	£.			
For the rejected timber in Russell's Enclosure felled in 1852, but not paid for until 12 April 1854	3,172			
For the bark of 1852 and 1853 sold, but not paid for in consequence of the disputes as to the mode of weighing and curing bark	1,515			
For the Navy timber felled in 1853, not yet paid for	14,000			
For the value of other timber of 1853	8,000			
		26,687 – –		
	£.	45,466 11 4	145,082 17 4	

From this total of 114,799 *l.* 5 *s.* 6 *d.*, there will fall to be deducted several items which are not chargeable to maintenance and management, viz.:

	£.	
The cost of enclosing and planting, &c., about 1,500 acres of open forest, between the years 1844–45, and 1849–50, at 10 *l.* per acre	15,000	
		15,000 – –
Expenditure properly chargeable to the Maintenance of the woodlands, and the management of the mineral property	£.	99,799 5 6

	£. s. d.
Total Receipts	190,549 8 8
Expenditure	99,799 5 6
Surplus in 10 years to 31 March 1854	£. 90,750 3 2

21 June 1854.

Edward Machen.

Note.—In this Return the proceeds arising from the minerals and the sale of timber, &c., are separately stated, but the expenditure applicable to each of these services cannot be accurately distinguished, as the annual contributions, &c., to, and repairs of schools, churches, &c., as well as the gratuities in lieu of poor, &c., rates, to which the plantations are not legally liable, is borne by the Crown, in consideration of the necessities of the mining population; and these expenses, together with a portion of the cost of the roads, should properly form a charge upon the revenue from the minerals, but the whole has hitherto been charged against the produce of timber and thinnings.

Under the Act of 5 & 6 Vict., c. 65, the sum of 10,347 *l.* 8 *s.* 5 *d.* was expended in 1845–46 for the endowment and increased stipends of the ministers of the forest churches, and in 1848–49 the sum of 333 *l.* 6 *s.* 8 *d.* for a fund for the repairs of Cinderford Church. Neither of these sums being properly chargeable against the income of the forest, are included in this Return.

DEAN FOREST.

A Comparative Statement of the Value of the Crown's Interest in this Forest in 1808 and in 1854.

	£.
In 1808:	
22,000 loads of oak timber, 7*l.* 10*s.* per load - -	165,000
676 acres of plantation, 20*l.* per acre - - -	13,520
400 acres of freehold land, 25*l.* per acre - - -	10,000
£.	188,520
In 1854:	
4,500 loads of oak timber, 6*l.* per load - - -	27,000
11,000 acres of plantation, 42*l.* per acre - - -	462,000
2,040 acres of young plantation, 18*l.* per acre - -	36,720
450 acres of freehold, planted, 50*l.* per acre - -	22,500
	548,220
Minerals.—Gale rents increased from 800*l.* per annum to 4,200*l.* per annum, at 20 years' purchase.	68,000
£.	616,220

	£.
Value in 1808 - - - -	188,520
Value in 1854 - - - -	616,220

21 June 1854. *Edward Machen.*

HIGHMEADOW WOODS (containing 3,485 Acres).

STATEMENT, showing the Receipts arising from Sales of Timber, Bark, and Thinnings, and from Rents, &c., in each of the Ten Years, ending on 31 March 1854; also the Expenditure in the Maintenance and Management of the Plantations in the same Period.

Years ending 31 March	Receipt.	Expenditure.	
	£. s. d.	£. s. d.	
1845 - - - - - -	3,564 4 3	1,858 10 –	
1846 - - - - - -	5,594 12 –	1,774 12 –	
1847 - - - - - -	4,247 6 –	1,733 3 7	
1848 - - - - - -	4,565 1 3	2,057 5 –	
1849 - - - - - -	2,441 9 8	2,353 19 5	
1850 - - - - - -	2,815 15 9	1,885 13 8	
1851 - - - - - -	3,536 6 2	2,129 10 8	
1852 - - - - - -	4,368 11 7	2,269 10 7	
1853 - - - - - -	3,520 19 3	1,976 – 8	
1854 - - - - - -	1,477 2 5	1,686 13 5	No timber felled.
	36,131 8 4	19,724 19 –	
Deduct Expenditure - - -	19,724 19 –		
Surplus - - - £.	16,406 9 4		

Within the period of this Return, the sum of 4,790*l.* 17*s.* 2*d.* out of the gross expenditure of 19,724*l.* 19*s.*, has been paid for gratuities in lieu of rates, and for tithe rent charges, and 220*l.* 5*s.* 5*d.* is now due for bark of 1853.

Edward Machen.

Appendix, No. 3.

EXTRACT of Treasury Letter, 5 July 1847. Appendix, No. 3.

To Commissioners Woods, &c.

"My Lords are pleased to sanction Mr. Philipps' salary being increased to 1,000*l.* a year from the 5th of April last. Their Lordships also approve of his having the requisite personal assistance, which they are of opinion may be best effected by allowing him to select a qualified person as his private secretary, whose salary should commence at 150*l.* and increase by annual additions of 15*l.* until it shall ultimately attain the sum of 250*l.* a year; and you are authorised to charge a salary for this object and at this rate upon the establishment of your department."

Report on Bere and Parkhurst Forests.

The Right Honourable the Lords Commissioners of her Majesty's Treasury.

My Lords, London, 4 May 1854.

In compliance with your Lordships' instructions conveyed to us in Sir Charles Trevelyan's letter of the 25th April, we have made a careful perusal of the papers transmitted to us relating to the past, present, and future management of the Royal Forests of Bere and Parkhurst, and to certain controversies respecting those forests which have arisen between Mr. Brown and the deputy-surveyor, Sir J. Campbell, and having also made a minute inspection of the forests, we have now the honour of reporting to your Lordships thereon.

In Bere Forest various differences have arisen between Mr. Brown and Sir James Campbell as to the age, size, and number per acre of trees in certain specified parts of the forest.

Mr. Brown states that in the West Walk, in the neighbourhood of the deputy-surveyor's house, he found trees of 38 years of age, 160 to the acre, which he ascertained to have an average diameter of 8½ inches at 6 feet from the ground.

Sir James Campbell states that from a memorandum made from Mr. Brown's dictation and figures, while on the spot, the size was given him as 9¼ inches diameter instead of 8½ inches.

We found on a much more comprehensive admeasurement than that adopted by Mr. Brown, that the trees on this locality of 38 years' growth were not more than 110 to the acre, and that they exceeded 9¼ inches diameter. No thinning had taken place since Mr. Brown's visit in the parts on which we took our admeasurements.

Mr. Brown states that on some other portions, where the crop was 25 years of age, he found, on an average, only 320 trees to the acre, while there ought to be nearly 400.

We found that on these other portions 32 years' trees constituted the main crop, and that the part where 320 trees per acre are said to exist is a small exceptional locality where there have been extensive fillings up with younger trees.

There are various other statements of facts with reference to the ages, numbers, and sizes of trees; but inasmuch as there appears to be some uncertainty as to the precise spots where admeasurements were taken, we have not ventured to notice them.

With reference to the situation of this forest, its past state and its present condition and management, we are of opinion that it was well selected for the purpose of growing timber.

The locality, with regard to Portsmouth, is convenient; the soil, though resting chiefly on a sub-stratum of sand, is calculated to maintain oaks to considerable dimensions, and the original planting was executed with great skill and judgment.

We have reason to suppose that only a small portion of the entire forest was planted with fir nurses, and in that part the trees now exhibit unmistakeable indications of those nurses having been retained in their places much too long, and irreparable injury would have ensued but for the skilful management of the deputy-surveyor during the last 10 or 12 years; and where no fir nurses were used, the trees were left too long unthinned, as indicated by the absence of lower branches, owing probably to the dread of the effect of the strong winds which prevail in this district, but these also for the like period show signs of excellent management. The trees are now advanced to a state in which the manager will have less fear of the consequences of wind, and will venture upon more extended thinnings.

We consider the best criterion by which to judge of the necessity of thinning to be the approximation of the upper branches to each other, without reference to the number of trees upon a given area, or their dimensions near the ground; these being chiefly dependent upon the adventitious circumstances of soil, subsoil, climate and situation.

Appendix, No. 3.

No one can question the great convenience to all parties connected with a forest of a regular systematic periodical thinning; but in situations where trees are subjected to the influence of powerful winds, the greatest caution is imposed upon the manager, who is generally the only person possessing sufficient experience of the time and mode of executing this delicate and important operation. In the present case we think that a periodical thinning of any considerable space at intervals of greater than two or three years would be productive of the most disastrous consequences.

General remarks only should be made on the subject of thinning, as all forests, from the date of their original planting to the time when the crop is ultimately left for timber, are in a state of continual transition; the parts just thinned have usually the appearance of being over thinned, while those to be next acted upon appear to require thinning.

In this forest, as in most others of similar extent, the original planting was not executed in one year, but extended over different periods. The various ages present different appearances, and as some portion of planting required more of subsequent filling up than others, a want of uniformity is shown in particular places; but a detailed reference to these exceptions, we presume, is not required of us; the more especially as we consider the thinning generally over the whole forest for the last few years to have been performed with great ability. It is an easy task to carry out general principles, but it is the able manner in which the deputy-surveyor has dealt with difficult local circumstances that constitute his great merit.

The amount of income derivable from thinnings must never be permitted to form a criterion of good management or otherwise.

Mr. Brown, in his report, directs attention to 50 acres in the east district of the Creech Walk of poor, wet, sandy soil, and advises that it should be cleared and replanted with Scotch pines. The quantity of this character of land does not exceed 20 acres, and we are of opinion that Scotch pines are not suitable trees to plant upon it. This is a district of very limited market, and but very little of forest produce can be sold except oak and larch. Having regard to the market, as well as to the nature of the soil, we are of opinion that the present Scotch firs should be removed, and a double line of larch planted between the existing rows of oak. Many of the oaks are yet valuable plants, and may do well with the ultimate assistance of larch nurses. Other portions of this forest now occupied with mature timber should, when cleared, be planted with oak and larch at the usual distances; but for the advantages of shelter, a broad belt of Scotch firs should be immediately planted on the western extremity of the West Walk wood.

A discussion having arisen as to the size of oak trees to be planted under peculiar circumstances, and Sir James Campbell having advocated the use of plants of four feet high, in small sheltered places of rough ground, occupied almost entirely with ferns and stools of underwood, we think that in such limited and special cases his proposition is a sound one, care being taken to select well-rooted plants.

The extent of drainage in this forest is ample, but a portion is rendered inefficient by bad outfalls and long flat reaches. In all cases, however, where the fall is sufficient, the deputy-surveyor, by deepening his drains, has materially improved the original system.

In those places where replanting is necessary, as great a depth should be given to the drains as can be conveniently obtained. The construction, as advocated by Sir James Campbell, of nearly upright sides, is found practically to answer better, and cost less than that specified by Mr. Brown, and should be continued; the distances apart being regulated by the nature of the subsoil.

The income derivable from the sale of bark will arise from two sources, viz., from the thinning of the plantations, and from the clearing of matured timber. The latter will be regulated by the quantity which can be advantageously disposed of in each year. This may be estimated at about 1,000 trees per annum for 10 years, yielding an annual supply of bark of 100 tons. The thinning may be safely estimated at 100 tons; making in the whole 200 tons annually for the next 10 years, when the timber bark will cease, and the flittern bark will not increase. We think this the safer calculation to depend upon; although, if the demand should unexpectedly increase, the matured timber may be realised in less than 10 years.

We are at a loss to account for the manner in which Mr. Brown, in his second Report, explains away the well-merited encomiums he bestows on these plantations in his first. It is easy to compare one of these young woods with the other, and they form proper subjects of comparison; but it is not easy to find private woods in any way comparable.

With respect to this forest and Holt, we have no hesitation in saying, that having regard to extent and to character of soil, there are no oak plantations in Great Britain, not including the other Royal forests, which we have not seen, public or private, at all to be compared with them, either in the present state of crop, or the amount of ability exercised in the management; nor can we draw the distinction, alluded to by Mr. Brown, between the benefit the trees have derived on account of the nature of the soil, and that which is attributable to the management they have been under; it being, in our opinion, the perfection of good management to leave nature to work her own good ways with as little interference as possible.

With respect to Parkhurst Forest, the only question of mere fact at issue between Mr. Brown and Sir James Campbell refers to the removal of fir nurses among trees of 30 years growth; Mr. Brown stating, that certain trees of that age do not appear ever to have been relieved. The fir nurses are too thick, truly, but we could not discover the appearances alluded to by Mr. Brown, and we believe that there is no portion of the 30 years old plantation which has not undergone partial thinning for some years past.

The

The soil of this forest is generally thin and retentive; lying upon a substratum of clay, with some small portions more open and gravelly on the high grounds. The situation is an exposed one, subjected to the north-east winds on the one side, and the south-west on the other. The crop consists of oak of various ages, from about 36 years down to the present time, a considerable extent of oak copsewood, and a small space occupied by matured timber of inferior description. The drainage was originally well laid on and abundant. Scotch firs were the nurses used over the whole forest. There are strong indications that up to a recent period this forest was greatly neglected as to thinning, filling up, and drainage.

The present deputy-surveyor appears fully to have appreciated the difficulty of his undertaking, and by removing improper nurses, giving greater depth to the drains, more extended thinnings, and preparation for future planting, is fast redeeming this extensive property. It is yet far from hopeless, and may ultimately be brought into a good and profitable form.

All the present Scotch firs should be gradually removed as nurses but occasional broad belts for shelter are indispensable to the future welfare of the entire forest, and all outside firs must be scrupulously preserved.

The oak copse should be entirely done away with by repeated summer cuttings, and the large portion of land it occupies planted with oak and larch of small size.

We do not advise the planting of Scotch fir, either as nurses or as a permanent crop; the ground is ill suited for it, and the market for such produce is the worst in England. Nor do we believe that the drains, as specified by Mr. Brown, will be effective in the clay; the depth is not sufficient, and this fault cannot be compensated by any additional number.

Mr. Brown's suggestion of a systematic thinning at five years' intervals we consider to be totally inapplicable to a forest situated as this is with reference to exposure. It must for many years be thinned at much shorter periods, until a more robust growth renders it secure from the effects of the wind.

Assuming the land covered with copsewood at 300 acres, and that it be cleared in five years, which we think it ought to be, it will yield an annual average quantity of about 15 tons of bark, and we consider that a quantity not exceeding 70 tons yearly may be got from the thinnings of the young plantations.

In both forests, the trees we have designated as matured timber are the remains of what constituted the original trees of the open forest, and lest they should be supposed to present an example of what the existing plantations will ultimately become, we think it right to state that the management to which the present crops have been and now are subjected, will produce results of great superiority.

We have, &c.
(signed) *J. Mathews.*
Wm. Murton.
Wm. Menzies.

Report on Delamere Forest.

TO the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

My Lords, London, 20 June 1854.

In obedience to your Lordships' commands, conveyed to us in Sir C. Trevelyan's letter of the 10th instant, we have visited and made a careful survey of Delamere Forest, with the following objects in view:

To make such observations on the present appearance of the forest; the growth of the trees, with reference to their age; the system pursued in planting and thinning; the nature and condition of the drainage, and the efficiency of the fences, as may lead to a fair judgment regarding the ability of Mr. Lipscomb for the charge hitherto confided to him; to suggest any improvements of which the management may appear to us to be susceptible, and to form our opinion on the subject of the income realized, and the expenditure incurred in recent years, so far as our experience will enable us to form a retrospective estimate, and the results which may fairly be expected in future years from judicious and energetic management.

Our attention is also directed to the correspondence between Mr. Kennedy, Mr. Brown, and Mr. Lipscomb, in which certain charges are preferred against Mr. Lipscomb, in relation to the mode of preparing his estimates and realising his produce.

We have now the honour to report to your Lordships on all the above points.

Delamere Forest is situated in the county of Chester, on either side the turnpike road leading from the city of Chester to the town of Northwich, and comprehends in area upwards of 4,000 acres. The soil is chiefly of a black sandy character, lying upon the red sandstone, varying in depth and quality in different parts of the forest; the low portions being poor and unproductive, and the more elevated parts varying in productive quality as the sandstone occurs at a greater or less depth. It is interspersed with morasses, which were drained when the forest was first inclosed, and are now designated mosses; there are occasional banks of gravel, and in some few spots marl appears near to the surface.

The low parts and mosses have been appropriated exclusively to the growth of Scotch fir, and the upper ground has been planted with oaks, nursed partly with larch and partly with Scotch fir. The greatest age of the present oak crop being about 36 years.

We have carefully examined every portion of the 4,000 acres, and, considering the nature

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of the sandstone rock which pervades the whole extent, its nearness to the surface, and the inferior character of the soil which rests upon it, we are led to the conclusion that this forest is in every respect unsuited to the growth of oak, and that such a crop ought never to have been planted upon it. There are some small exceptional parts lying on the extreme western side of the forest, called Organ Dale, Nettleford, Timothy's Plantation, Enfries Walk, and Crook Hill, where the better part of the soil is, and where the trees may in a long course of time become timber of second-rate quality and dimensions, but over nine-tenths of the entire quantity, any attempt to grow oak must inevitably result in disappointment and great loss.

The general appearance of a forest so circumstanced must always be unsatisfactory. Continued planting and replanting consequent on the failure of young trees in such a soil occasions a want of uniformity prejudicial to its appearance; and this has been unfortunately aggravated by a snow storm, which occurred early in the autumn of 1852, before the fall of the leaf, by which the branches of a vast number of the trees were broken, and a ragged irregular appearance given to the better parts of the forest. The general aspect must not, therefore, be taken as a criterion of management.

Neither is the growth of the trees, with reference to their age, a true test of management. The variable character of the soil occasions as variable a state of growth at the same age, and we discovered that the small district on which the best and most uniform trees were growing (averaging about nine inches in diameter, at six feet from the ground) was cultivated and marled at a considerable cost, before the forest was inclosed.

The system pursued in planting and thinning does however truly indicate the quality of the management, and this we can in no degree approve. Trees have been planted in such places and of such sizes as to preclude all chance of their success. Thinning has been expensively conducted, generally over the whole extent of the forest in every year, instead of being restricted to proportionate parts at periodical intervals. The brush taken from the thinning is universally left among the young trees where it is taken off, to their great prejudice; a considerable loss has been sustained by an unskilful mode of cutting down trees; close pruning of live branches has been practised to the serious injury of some of the best parts of the plantations—a system which cannot be too emphatically condemned—and it appears to us that for some years the thinning has been done entirely with reference to income, and without due regard to the ultimate state of the forest crop. A very large amount in value of thriving larch trees, admirably suited to the soil in which they were growing, and approaching rapidly to good timber, has been displaced to give room for stunted thriftless oaks, which are of no present value, and never can attain any.

The drainage upon so porous and dry a soil is a matter of no great importance, and it is probably on that account that the drains which were originally formed have never been cleared out.

The fencing is bad, and must ever remain so, under the injudicious system which prevails of planting hawthorn on the summit of a high bank of loose sand, and permitting the trees to hang over it. On all sandy soils the quick should be planted rather below the level of the adjoining land than above it, and kept free from overhanging trees.

With regard to future management, and the improvement which may result therefrom, we are not accurately informed whether under the provisions of any Act of Parliament it is obligatory upon the manager of this forest to persevere in a fruitless attempt to rear oak; if it be, we have no suggestions to offer; but if it be competent to the responsible officers to treat the land under their care in the best manner, according as the nature and productive quality of the soil will lead to ultimate pecuniary advantage, then we are of opinion that the only course which ought to be pursued is to divide the forest into three parts; the first to comprise all the lowlands and mosses which are now planted with Scotch fir. That these should be exclusively appropriated to that crop, being the only one to which they are adapted; the second to comprise the western portion of the Linmere allotment, which forms the exceptional parts on which we have stated the best trees are now growing; whatever may be our opinion respecting the ultimate success of this crop, it is far too valuable at present to justify its destruction, and it should remain in its present state and be managed with the greatest care; the third part comprising the remainder of the entire forest should be cleared and planted with larch as a permanent crop.

The future income of this forest, conducted upon the present system, will continue as large as that suggested in Mr. Brown's report, so long as any part of the present stock of larch remains, which may be five or six years, after which time it will certainly fall back to a very insignificant amount, which it is impossible with accuracy now to estimate. The system of cutting larch with a view to immediate income only, is not, however, a judicious course, and is opposed to the plan which we recommend, of cultivating larch in a portion of the forest as a permanent crop.

The income realised and expenditure incurred in recent years, so far as we can form a retrospective estimate, appears to be accurately stated by Mr. Lipscomb, and although we consider the expenditure to have been excessive, and the income drawn from a wrong source, it in no way makes out a case against the deputy-surveyor of want of energy in realising his produce; on the contrary, if fairly examined, it proves that he has not suffered the proper time for making income to escape him. Nothing can be more unfair than to draw conclusions of average profits from the four years previous to 1852, those being the most unfavourable for the sale of produce which have occurred during the last 20 years; whereas, in the preceding years of 46, 47, and 48, the construction of railways called forth a great demand for particular descriptions of forest produce, and from the much larger amount of sales during those years Mr. Lipscomb appears to have had no want of energy in availing himself of such demand. And if during the four years from 1849 to 1852, when

great

great mercantile depression existed, Mr. Lipscomb's sales had been altogether withheld, we should have considered his management entitled to greater commendation.

Nor can we give any weight to the imputations regarding the mode of bringing into account the produce of bark of the previous year remaining unsold, for we see no other way of dealing with the subject than that adopted by Mr. Lipscomb. With respect to the non-disposal of it, and the manner in which it was prepared for sale, we see no fault. Mr. Brown tells Mr. Kennedy that if the bark had been of first-rate quality, it would have met with purchasers at 4 *l.* a ton, and in this we quite agree. But although it was cured in the way recommended by Mr. Brown, and of which method, for such description of bark, we entirely approve, it was not of "first-rate quality," and we consider Mr. Lipscomb should have been permitted to sell it at 3 *l.* 10 *s.* a ton. The cost of stripping, considering the value of labour in the Delamere district, is not overpaid at 2 *l.* per ton of such bark, and the correct price cannot be correctly tested by what is paid in another country, and under different circumstances.

We have, &c.,
(signed) *J. Mathews.*
Wm. Murton.
Wm. Menzies.

Copy of TREASURY MINUTE, dated 9th of June 1854.

My Lords have under their consideration the arrangements for the pending inspection of the Royal forests by the referees appointed for that purpose.

Write to Messrs. Mathews, Murton, and Menzies, that my Lords have been given to understand that previously to completing the survey of New Forest, which they have already commenced, it is their wish to visit Dean Forest, in order that they may observe the effect of certain measures which have been followed there, and which, if they have proved successful, may probably be adopted with advantage in the former forest.

State that my Lords approve of this course of proceeding, and will shortly issue instructions for their guidance in reference to the purposed inspection of Dean Forest.

Before, however, they proceed to that forest, it is the wish of my Lords that they should pay a visit to Delamere Forest, in order to ascertain its condition, and the propriety or otherwise of the course of management which has been followed by Mr. Lipscomb, the deputy-surveyor.

This officer, as the referees will have learnt from the correspondence which has been transmitted to them, was about to be removed from his situation by Mr. Kennedy, on the ground of incompetency.

As Mr. Brown, in his first report, after an inspection of this forest, did not express an unfavourable opinion regarding its condition generally, and as Mr. Kennedy has failed to bring any specific charges against Mr. Lipscomb, my Lords are unable to point out any particular circumstances to which the attention of the referees should be directed, and they must request them to make such observations on the present appearance of the forest, the growth of the trees with reference to their age, the system pursued in planting and thinning, the nature and condition of the drainage, and the efficiency of the fences, as may lead to a fair judgment regarding the ability of Mr. Lipscomb for the charge hitherto confided to him.

They will also suggest any improvements of which the management may appear to them to be susceptible.

From the correspondence which passed between Mr. Kennedy, Mr. Brown, and Mr. Lipscomb, the referees will observe that difference of opinion prevailed regarding the income which could be derived from the forest, and that Mr. Lipscomb was required to amend his estimates in accordance with the suggestions of Mr. Brown.

My Lords are aware of the great difficulty which exists in deciding on the merits of a dispute of this character, but as Mr. Brown attributed the failure of the deputy-surveyor to realise his estimates entirely to want of energy on the part of that officer, my Lords must request the opinion of the referees on the subject of the income realised, and the expenditure incurred in recent years, so far as their professional experience will enable them to form a retrospective estimate, and the results which may be fairly expected in future years from judicious and energetic management.

The referees will direct their special attention on these points to the correspondence relating to the estimates for the year 1854, in which some misunderstanding appears to have arisen regarding the mode of bringing to account the produce of bark of the previous year remaining unsold, and in which imputations are cast upon Mr. Lipscomb by Mr. Brown for want of knowledge in respect to the sales of timber produce, and for an extravagant system of expenditure.

I N D E X.

[*N. B.*—In this Index the Figures following the Names of the Witnesses refer to the Questions of the Evidence; the Numerals following *Rep. p.*, to the paging of the Report; and the Figures following *App. p.*, to the paging of the Appendix.]

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1. *Inexpediency of Interference by the Treasury with the Operations of the Commissioners:*

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Wages. Sum paid for barking trees, *Higinbothom* 207–209——Price of labour at the Forest of Delamere, *Lipscomb* 496——The men are paid once a month, *ib.* 497–504——The practice of paying the labourers monthly is objectionable; reasons for which it obtains, *Tomkinson* 606–610——The persons employed in Delamere Forest ought to be paid more frequently than at present, *Corbett* 546–548——Plan of payment of labourers in Holt Forest, *Paine* 1176, 1177——Rate of wages paid at Woolmer Forest, *Sir A. K. Macdonald* 1279.

Whittlewood and Wychwood Forests. The Forests of Whittlewood and Wychwood had been too seriously mismanaged to be other than disafforested altogether, as proposed by the Bills passed for that purpose, *Right Hon. T. F. Kennedy* 738——Amended return of the timber proposed by Mr. Kennedy to be felled in Whittlewood Forest in the year 1854, *Arbuthnot* 1542.

Wilverley Inclosure (*New Forest*). Pruning of some trees in this inclosure adverted to, *Cumberbatch* 2073, 2074.

Woolmer Forest:

1. *Generally.*
2. *Expediency of Sale considered.*

1. *Generally:*

There are fewer trees but more timber in this forest than formerly, *Higinbothom* 26. 32——Extent of the forest; kinds of timber it is capable of producing, *ib.* 85–102.

Proportion of the forest that is unenclosed and also planted, *Sir A. K. Macdonald* 1196. 1202–1206——Railway communication with the forest, *ib.* 1217–1222——This forest does not demand much management, being mostly unenclosed, *ib.* 1227–1230——General condition of the forest, *ib.* 1267–1278——Comparative value of the forest land, *ib.* 1291, 1292——Capability of the forest to grow fir trees, *ib.* 1293–1297.

Poverty of the soil, *Marshall* 1332–1335——Improvements that might be advisable, *ib.* 1341–1344.

2. *Expediency of Sale considered:*

There was an unanimity of opinion as to the expediency of selling Woolmer Forest, *Right Hon. T. F. Kennedy* 849–852——Probability of its being advantageously sold, *ib.* 853–856.

Quality of the land in Woolmer Forest; price obtained for similar land in its neighbourhood; advisability of selling the forest, *Paine* 1179–1189.

The forest land is not likely to find a ready sale, if put up, *Sir A. K. Macdonald* 1212–1216——Proportion of the forest that may be considered saleable, *ib.* 1298, 1299.

This forest is not a favourably selling property, *Marshall* 1421–1423.

Witness recommends the sale of the forest, *Clutton* 1712–1718. 1751.

Probability of its being found advisable to sell this forest, *Rep. p.* iv.

See also *Larch.* *Revenue and Expenditure.* *Saw Mills.* *Scotch Fir.*

Wychwood Forest. It would be advisable to sell the Crown allotments of Wychwood Forest, on its being disafforested, *Right Hon. T. F. Kennedy* 866.

See also *Whittlewood, &c.*

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